



भारत का राजपत्र

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इस भाग में भिन्न पद्धति की जाती है जिससे कि यह नलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—लाप्त 3—उप-लाप्त (II)
PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांचितिक आदेश और अधिसूचनाएँ

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक शिक्षायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 15 मई, 2002

का. आ. 1761.—केन्द्रीय सरकार एन्टिकारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एसी 28 पीसीआर 2002 दिनांक 12 जनवरी, 2002 द्वारा प्राप्त कर्नाटक, राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना, के.आ.ब्यूरो, एसीबी, बंगलौर में दर्ज मामला अरसी-2 (ए)/2002-बंगलौर में श्री जी. वशरथ रेड्डी, प्रबंध निदेशक, मैसर्स जीडीआर इंटरनेशनल (1) लिमिटेड, 8-2-629/1/9, रोड नं. 12, बंजारा हिल्स, हैदराबाद एवं सं. 433 दूसावास भवन 15, अली अस्कर रोड, बंगलौर और अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भारतीय दंड

संहिता, 1860 की धारा 120-की संपर्कित धारा 420, 467 एवं 471 के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक में संबंधित अथवा संसक्त प्रयत्नों द्वारे गये और षड्यंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों में उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों का प्रवित्रियों और अधिकारियों का त्रिस्तार सम्पूर्ण कर्तांक गण्ड पर करती है।

[म. 228/33/2002-ए.बी.डी.-II]
परमा नन्द, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 15th May, 2002

S.O. 1761.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946

(Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 28 PCR 2002 dated 12th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under section 120-B read with 420, 467 and 471 of the Indian Penal Code, 1860 and attempts, abetment and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Sh. G. Dasarath Reddy Managing Director, M/s. GDR International (1) Limited, 8-2-6291/9, Road No. 12, Banjara Hills, Hyderabad and also at No. 433, the Embassy Building 15, Ali Askar Road, Bangalore and other public servant or person registered with DSPE/CBI/ACB/Bangalore vide RC-2(A) 2002-BLR.

[No. 228/33/2002-AVD-II]
PARMA NAND, Under Secy.

नई दिल्ली, 15 मई, 2002

का.आ. 1762.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय अन्वेषण व्यूरो के श्री सी. सदाशिव रेड्डी, अधिवक्ता, हैदराबाद, रिटेनर काउंसेल को आंध्र प्रदेश उच्च न्यायालय, हैदराबाद में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों में उद्भूत अभियोजनों, अपीलों, पुनरीक्षणों और अन्य विषयों का संचालन करने के लिए आंध्र प्रदेश उच्च न्यायालय में विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/40/2001-ए.वी.डी-II]
परमा नन्द, अवर सचिव

New Delhi, the 15th May, 2002

S.O. 1762.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. C. Sadasiva Reddi, Advocate, Hyderabad, Retainer Counsel of the Central Bureau of Investigation, in the Andhra Pradesh High Court, as Special Public Prosecutor for conducting the prosecutions, appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Police Establishment in the Andhra Pradesh High Court at Hyderabad.

[No. 225/40/2001-AVD-II]
PARMA NAND, Under Secy.

नई दिल्ली, 21 मई, 2002

का.आ. 1763.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उड़ीसा राज्य सरकार द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उड़ीसा राज्य

सरकार, गृह विभाग की अधिसूचना सं. सीपी/पीसीएम-3/2001/9610 दिनांक 26 फरवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य सरकार की महमति से वर्ष 1995-97 की अवधि के दौरान “आरडी०० के एम से 13,690 के एम तक रसीकुलया में कनाल में मुधार-पैकेज नं. १८” के संबंध में भारतीय दण्ड संहिता, 1860 की धारा 120-वीं एवं 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13 (2) सहपठित धारा 13 (1) (डी) और किसी अन्य कानून के अधीन दंडनीय अपराधों तथा इससे संबंधित संव्यवहार में किए गए एक अथवा अधिक अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और आपराधिक प्रयत्न के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उड़ीसा राज्य पर करती है।

[सं. 228/64/2001-ए.वी.डी.-II(i)]
परमा नन्द, अवर सचिव

New Delhi, the 21st May, 2002

S.O. 1763.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa, Home Department, accorded vide Notification No. CP/PCM-3/2001/9610 dated 26th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Orissa for investigation of offences punishable under Sections 120-B and 420 of the Indian Penal Code, 1860, and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and any other law and attempt, abetment and criminal conspiracy, in relation to or in connection with one or more of the offences committed in transactions relating to “Improvement to Rushikulya Main Canal from RD 00 KM to 13.690 KM. Package No. 1A” during the period 1995-97.

[F. No. 228/64/2001-AVD-II(i)]
PARMA NAND, Under Secy.

नई दिल्ली, 21 मई, 2002

का.आ. 1764.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उड़ीसा राज्य सरकार, गृह विभाग की अधिसूचना सं. सीपी/पीसीएम-3/2001/9595 दिनांक 26 फरवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य सरकार की महमति से वर्ष 1995-96 की अवधि के दौरान “बायुवा सिचाई परियोजना के डम्प्युआरसीपी पैकेज नं. 6 के अन्तर्गत नदूर बांध पर संरचना और सर्विस रोड महित आगड़ी 4.95 के एम से 18.45 के एम तक बायुवा राइट ब्रांच कनाल के जैव कार्बन के निष्पादन” के संबंध में भारतीय दण्ड संहिता, 1860 की धारा 120-वीं एवं 420 तथा भ्रष्टाचार निवारण अधिनियम,

1988 की धारा 13(2) सप्तित धारा 13(1)(डी) और किसी अन्य कानून के अधीन दंडनीय अपराधों तथा इससे संबंधित संव्यवहार में किए गए एक अथवा अधिक अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और आपराधिक पद्यन्त्र के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संम्पूर्ण उड़ीसा राज्य पर करती है।

[फा. सं. 228/64/2001-ए.बी.डी.-II(ii)]

परमा नन्द, अवर सचिव

New Delhi, the 21st May, 2002

S.O. 1764.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa, Home Department vide Notification No. CP/PCM-3/2001/9595 dated 26th February, 2002 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Orissa for investigation of offences punishable under Sections 120-B read with 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and any other law and attempt, abetment and criminal conspiracy in relation to or in connection with one or more of the offences committed in transactions relating to "Execution of balance work of Baghua Right Branch Canal from RD 4.95 KM to 18.45 KM including structures and service road on canal embankment covered under WRCP Package No. 6 of Baghua Irrigation Project" during the period 1995-96.

[F. No. 228/64/2001-AVD-II(ii)]

PARMA NAND, Under Secy.

नई दिल्ली, 21 मई, 2002

का.आ. 1765.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उड़ीसा राज्य सरकार, गृह विभाग की अधिसूचना सं. सीपी/पीसीएम-3/2001/9615 दिनांक 26 फरवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य सरकार की महमति से वर्ष 1998-99 की अवधि के दौरान "आरआईपी-एआईबीपी" की संम्पूर्ण संरचना महित आरडी 60.080 केएम से 63.150 केएम तक राइट बैंक कनाल की खुदाई" के संबंध में भारतीय दंड संहिता, 1860 की धारा 120-वीं एवं 420 तथा भ्रष्टाचार निवारण अधिनियम 1988 की धारा 13(2) सप्तित धारा 13(1)(डी) और किसी अन्य कानून के अधीन दंडनीय अपराधों तथा इससे संबंधित संव्यवहार में किए गए एक अथवा अधिक अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और आपराधिक पद्यन्त्र के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संम्पूर्ण उड़ीसा राज्य पर करती है।

[फा. सं. 228/64/2001-ए.बी.डी. II(iii)]

परमा नन्द, अवर सचिव

New Delhi, the 21st May, 2002

S.O. 1765.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa, Home Department, accorded vide Notification No. CP/PCM-3/2001/9615 dated 26th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Orissa for investigation of offences punishable under Sections 120-B read with 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and any other law and attempt, abetment and criminal conspiracy in relation to or in connection with one or more of the offences committed in transactions relating to "Excavation of Right Bank Canal from RD 60.080 Km to 63.150 Km including all structure of RIP—AIBP" during the period 1998-99.

[F. No. 228/64/2001-AVD-II(iii)]

PARMA NAND, Under Secy.

नई दिल्ली, 21 मई, 2002

का.आ. 1766.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उड़ीसा राज्य सरकार, गृह विभाग की अधिसूचना सं. सीपी/पीसीएम-3/2001/9620 दिनांक 26 फरवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य सरकार की महमति से वर्ष 1998-99 की अवधि के दौरान "आरआईपी-एआईबीपी" की संम्पूर्ण संरचना सहित आरडी 56.680 केएम से 60.080 केएम तक राइट बैंक कनाल की खुदाई" के संबंध में भारतीय दंड संहिता, 1860 की धारा 120-वीं एवं 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सप्तित धारा 13(1)(डी) और किसी अन्य कानून के अधीन दंडनीय अपराधों तथा इससे संबंधित संव्यवहार में किए गए एक अथवा अधिक अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और आपराधिक पद्यन्त्र के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संम्पूर्ण उड़ीसा राज्य पर करती है।

[फा. सं. 228/64/2001-ए.बी.डी.-II(iv)]

परमा नन्द, अवर सचिव

New Delhi, the 21st May, 2002

S.O. 1766.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa, Home Department, accorded vide Notification No. CP/PCM-3/2001/9620 dated 26th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole

of the State of Orissa for investigation of offences punishable under Sections 120-B and 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and any other law and attempt, abetment and criminal conspiracy in relation to or in connection with one or more of the offences committed in transactions relating to "Excavation of Right Bank Canal from RD 56.680 Km to 60.080 Km. Including all structure of RIP—AIBP" during the period 1998-99.

[F. No. 228/64/2001-AVD-II(iv)]

PARMA NAND, Under Secy.

नई दिल्ली, 21 मई, 2002

का.आ. 1767.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उड़ीसा राज्य सरकार, गृह विभाग की अधिसूचना सं. सीपी/पीसीएम-3/2001/9605 दिनांक 26 फरवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य सरकार की सहमति से वर्ष 1998-99 की अवधि के दौरान "आरआईपी-एआईबीपी (रीव-III)" की संपूर्ण संरचना सहित आरडी 74.00 केएम से 79.00 केएम तक राइट बैक कनाल की 'खुदाई' के संबंध में "आर-तीय दंड संहिता, 1860 की धारा 120-वी एवं 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13 (2) सपठित धारा 13 (1) (डी) और किसी अन्य कानून के अधीन दंडनीय अपराधों तथा इसमें संबंधित संव्यवहार में किए गए एक अथवा अधिक अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और आपराधिक पदयंत्र के अवेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण उड़ीसा राज्य पर करती है।

[का. सं. 228/64/2001-ए.बी.आ. II(v)]

परमा नन्द, अवर सचिव

New Delhi, the 21st May, 2002

S.O. 1767.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa, Home Department, accorded vide Notification No. CP/PCM-3/2001/9600 dated 26th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment Act, 1946 to the whole of the State of Orissa for investigation of offences punishable under Sections 120-B and 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and any other law and attempt, abetment and criminal conspiracy in relation to or in connection with one or more of the offences committed in transactions relating to "Excavation of Right Bank Canal from RD

74.90 Km. to 79.00 Km. including all structure of RIP—AIBP(Reach-III)" during the period 1998-99.

[F. No. 228/64/2001-AVD-II(v)]
PARMA NAND, Under Secy.

नई दिल्ली, 21 मई, 2002

का.आ. 1768.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उड़ीसा राज्य सरकार, गृह विभाग की अधिसूचना सं. सीपी/पीसीएम-3/2001/9605 दिनांक 26 फरवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य सरकार की सहमति से वर्ष 1998-99 की अवधि के दौरान "आरआईपी-एआईबीपी (रीव-III)" की संपूर्ण संरचना सहित आरडी 63.150 केएम से 66.250 केएम तक राइट बैक कनाल की 'खुदाई' के संबंध में भारतीय दंड संहिता, 1860 की धारा 120-वी एवं 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13 (2) सपठित धारा 13 (1) (डी) और किसी अन्य कानून के अधीन दंडनीय अपराधों तथा इसमें संबंधित संव्यवहार में किए गए एक अथवा अधिक अपराधों से संबंधित अथवा संसक्त प्रयत्न, दुष्प्रेरण और आपराधिक पदयंत्र के अवेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण उड़ीसा राज्य पर करती है।

[का. सं. 228/64/2001-ए.बी.आ. II(vi)]

परमा नन्द, अवर सचिव

New Delhi, the 21st May, 2002

S.O. 1768.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa, Home Department, accorded vide Notification No. CP/PCM-3/2001/9605 dated 26th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Orissa for investigation of offences punishable under Sections 120-B and 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and any other law and attempt, abetment and criminal conspiracy in relation to or in connection with one or more of the offences committed in transactions relating to "Excavation of Right Bank Canal from RD 63.150 Km. to 66.250 Km. including all structure of RIP—AIBP" during the period 1998-99.

[F. No. 228/64/2001-AVD-II(vi)]
PARMA NAND, Under Secy.

नई दिल्ली, 21 मई, 2002

का.आ. 1769.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की

उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उड़ीसा राज्य सरकार, गृह विभाग की अधिसूचना सं. सीपी/पीसीएम-3/2001/9590 दिनांक 26 फरवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य सरकार की सहमति से वर्ष 1998-99 की अवधि के दौरान "आरआईपी-एआईबीपी की संस्पूर्ण संचता सहित आरडी 66.250 केएम से 67.900 केएम तक राइट बैंक कनाल की खुदाई" के संबंध में भारतीय दंड संहिता, 1860 की धारा 120-बी एवं 420 तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13 (2) तहसंचित धारा 13 (1) (डी) और किसी अन्य कानून के अधीन दंडनीय अपराधों तथा इससे संबंधित संयवहार में किए गए एक अथवा अधिक अपराधों से संबंधित अथवा संसम्बन्धित प्रयत्न, भुष्ट्रेरण और आपराधिक घड़यंत्र के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संस्पूर्ण उड़ीसा राज्य पर करती है।

[फा. सं. 228/64/2001-ए. वी. डी.-II(vii)]
परमा नन्द, अवर सचिव

New Delhi, the 21st May, 2002

S.O. 1769.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa Home Department, accorded vide Notification No. CP/PCM-3/2001/9585 dated 26th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Orissa for investigation of offences punishable under sections 120-B and 420 of the Indian Penal Code, 1860 and section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and any other law and attempt, abetment and criminal conspiracy in relation to or in connection with one or more of the offences committed in transactions relating to "Excavation of Right Bank Canal from RD 66.250 Km to 67.900 Km, including all structure of RIP—AIBP" during the period 1998-99.

[F. No. 228/64/2001-AVD-II(vii)]
PARMA NAND, Under Secy.

नई दिल्ली, 21 मई, 2002

का.आ. 1770.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उड़ीसा राज्य सरकार, गृह विभाग की अधिसूचना सं. सीपी/पीसीएम-3/2001/9585 दिनांक 26 फरवरी, 2002 द्वारा प्राप्त उड़ीसा राज्य सरकार की सहमति से वर्ष 1998-99 की अवधि के दौरान "आरआईपी-एआईबीपी के आरबीसी के आरडी 34.545 केएम (एडीशनल) पर डी बी ब्रेयर एवं हैंड रेयलेटर के निमिण" के संबंध में भारतीय दंड संहिता, 1860 की धारा 120-बी एवं 420 तथा

भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13 (2) सप्तित धारा 13 (1) (डी) और किसी अन्य कानून के अधीन दंडनीय अपराधों तथा इससे संबंधित संयवहार में किए गए एक अथवा अधिक अपराधों से संबंधित अथवा संसम्बन्धित प्रयत्न, भुष्ट्रेरण और आपराधिक घड़यंत्र के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संस्पूर्ण उड़ीसा राज्य पर करती है।

[फा. सं. 228/64/2001-ए. वी. डी.-II(viii)]
परमा नन्द, अवर सचिव

New Delhi, the 21st May, 2002

S.O. 1770.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Orissa, Home Department, accorded vide Notification No. CP/PCM-3/2001/9585 dated 26th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Orissa for investigation of offences punishable under Sections 120-B and 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and any other law and attempt, abetment and criminal conspiracy in relation to or in connection with one or more of the offences committed in transactions relating to "Construction of DB Weir-cum-Head Regulator at RD 34.545 Km (Addl.) of RBC of RIP—AIBP" during the period 1998-99.

[F. No. 228/64/2001-AVD-II(viii)]
PARMA NAND, Under Secy.

नई दिल्ली, 23 मई, 2002

का.आ. 1771.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केन्द्रीय राज्य सरकार की अधिसूचना सं. एडी 31 पीसीप्रार 2002 दिनांक 12 फरवरी, 2002 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना, के.आ.ब्यूरो, एसीबी, बंगलौर में दर्ज मामला आरसी-6 (ए) / 2002-बंगलौर में श्री स्टीकन डिसूजा, संयुक्त आयुक्त, सीमा शुल्क विभागवापटनम, (2) श्री नटराज एम. कंचन नं. 205, श्री सफल्या, शीतल नगर, मीरा रोड, जिला थाणे, मुम्बई, (3) श्री जे. मुरेन्द गिरिजा कुटीर, ग्रट्टावर मंगलौर, (4) श्री संजीव सिंह चड्डा उर्फ टीकू, गुरु होटल, छटी एवं राजीव बिल्डिंग तृतीय रोड, खार, वेस्ट मुम्बई, (5) श्री नारेश कुन्दानी हाईके दर्जन सोसायटी ब्लॉक बी, तृतीय तन, फ्लैट-21, नौपाडा, थाणे (वेस्ट) मुम्बई, (6) श्री एस.पी. वेलिंगिरि उर्फ गिरि, 14-ए, अगीलायम रोड, तिरुपुर, (7) श्री टोनी थारकान, XX/272-ए पारायिल हाउस आल्वे-683101,

(8) श्री यतिन बाबूलाल शाह, 4/74, नित्यानंद सार्ग अंधेरी (ईस्ट) मुम्बई-89, (9) श्री के.के. सेंतिकुमार नं. 7, प्रथम तल, ईस्ट हनुमानथारयार कोहली स्ट्रीट, ब्रोड-1, (10) श्री सुरेश बी. बादास, सीमा शूलक निरीक्षक कस्टम हाउस, मंगलोर और अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भारतीय दंड संहिता, 1860 की धारा 120-वी सप्तित धारा 511 सप्तित धारा 420 और भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम म. 49) की धारा 13 (2) सप्तित धारा 13 (1) (डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और पंडयन्त्र तथा उसी संब्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेषस पुलिस स्थापना के मद्द्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/31/2002-ए.वी.डी.-II(i)]
परमा नन्द अवर सचिव

New Delhi, the 23rd May, 2002

S.O. 1771.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 31 PCR 2002 dated 12th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 120-B read with 511 read with 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against S/Shri Stephen D'Souza, Joint Commissioner of Customs, Vishakapatnam; (2) Shri Nataraj M. Kanchan, No. 205 Sri Safalya, Sheetal Nagar, Mira Road, District Thane, Mumbai; (3) Sh. J. Surendra, Girija Kuteer, Attavar, Mangalore; (4) Shri Sanjeev Singh Chadda @ Tikku, Guru Hotel, 6th Evergreen Building, 3rd Road, Khar, West Mumbai; (5) Shri Nagesh Kundani, Highway Dharshan Society, Block B, 3rd Floor, Flat-21, Naupada, Thane (West), Mumbai; (6) Shri S. P. Vellingiri @ Giri, 14-A, Angiplayam Road, Tirupur; (7) Shri Tony Tharakan, XX/272-A, Parayil House, Alwaye-683 101; (8) Shri Yatin Babulal Shah, 4/74, Nityananda Marg, Andheri (East), Mumbai-89; (9) Shri K. K. Senthikumar, No. 7, 1st Floor, East Hanumantharayar Koli Street, Erode-1; (10) Shri Suresh B. Badas, Inspector of

Customs, Customs House, Mangalore and other public servants or person registered with DSPE/CBI/ACB/Bangalore vide RC-6(A)/2002-BLR.

[No. 228/31/2002-AVD-II(i)]
PARMA NAND, Under Secy.

नई दिल्ली, 23 मई, 2002

का.आ. 1772.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम म. 25) की धारा 6 के माय पठित धारा 5 की उपशारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना म. एचडी 36 पीसीआर 2002 दिनांक 19 फरवरी, 2002 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना, के.आ. ब्यूरो, एसीबी, बंगलोर में दर्ज मासला आरसी-7 (ए) / 2002 बंगलोर में सर्वश्री चेलुवेराजे गोडा, सहायक महाप्रबंधक, स्टेट बैंक ऑफ मैसूर रीजन-3, बंगलोर (2) के.बी. चंद्र पुत्र के.आर. बासवे गोडा, निवासी हसन और अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भारतीय दंड संहिता 1860 की धारा 120-वी सप्तित धारा 420 और भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम म. 49) की धारा 13 (2) सप्तित धारा 13(1) (डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और पंडयन्त्र तथा उसी संब्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के मद्द्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/31/2002-ए.वी.डी.-II(ii)]
परमा नन्द अवर सचिव

New Delhi, the 23rd May, 2002

S.O. 1772.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 36 PCR 2002 dated 19th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 120-B read with 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988), and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against S/Shri Cheluveraje

Gowda, Assistant General Manager, State Bank of Mysore, Region-III, Bangalore; (2) K. B. Chandru, S/o. K. R. Basave Gowda, Resident of Hassan and other public servant or person registered with DSPE/CBI/ACB/Bangalore vide RC-7(A)/2002-BLR.

[No. 228/31/2002-AVD-II(ii)]
PARMA NAND, Under Secy.

नई दिल्ली, 23 मई, 2002

का.आ. 1773.—केन्द्रीय सरकार एन्ड्राग्राम दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 30 पीसीआर 2002 दिनांक 12 फरवरी, 2002 द्वारा प्राप्त कर्नाटक राज्य सरकार की महसूति में दिल्ली विशेष पुलिस स्थापना, के अध्यूरो, एसीबी, बंगलौर में दर्ज मामला आरसी-3(ए)/2002 बंगलौर में श्री बी. जगन्नाथ, मुख्य लेखाधिकारी प्रूप-ए, भारत संचार निगम लिमिटेड बंगलौर और अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भागीय दंड संहिता, 1860 की धारा 120-बी सप्तित धारा 420 और भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13 (1) (ई) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संस्कृत प्रयत्नों और दुष्प्रेरणों तथा उसी संबंधवहार के अनुक्रम में किए गए अथवा उन्हीं सम्बन्धों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली-विशेष पुलिस स्थापना के महसूतों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/32/2002/ए.बी.डी.-II(i)]
परमा नन्द अवर मन्त्रिव

New Delhi, the 23rd May, 2002

S.O. 1773.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 30 PCR 2002 dated 12th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 120-B read with 420 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988), and attempts and abetments in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Shri B. Jagannath, Chief Accounts Officer, Group-A, Bharat Sanchar

Nigam Limited, Bangalore and other public servant or person registered with DSPE/CBI/ACB /Bangalore vide RC-3(A)/2002-BLR.

[No. 228/32/2002-AVD-II(i)]
PARMA NAND, Under Secy.

नई दिल्ली, 23 मई, 2002

का.आ. 1774.—केन्द्रीय सरकार एन्ड्राग्राम दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 24 पीसीआर 2002 दिनांक 4 फरवरी, 2002 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति में दिल्ली विशेष पुलिस स्थापना, के अध्यूरो, एसीबी, बंगलौर में दर्ज मामला आरसी-4 (ए)/2002 बंगलौर में श्री एम.ए. गोपाल वरिष्ठ प्रभारी प्रबंधक युनाइटेड इंडियन इंसोरेन्स कम्पनी, बंगलौर (2) श्री एन.एल. मुख्य राजू, सहायक प्रबंधक युनाइटेड इंडियन इंसोरेन्स कम्पनी बंगलौर (3) श्री डी.ब्राह्म जोसेफ, एडवोकेट वाई.एम.सी.ए. बिल्डिंग, तृतीय नल, 223, एनएससी बोम रोड, चेन्नई 600001 (प्राइवेट व्यक्ति) और अन्य लोक सेवक अथवा व्यक्ति के विरुद्ध भागीय दंड संहिता, 1860 की धारा 120-बी सप्तित धारा 420 एवं 409 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13 (2) सप्तित धारा 13 (1) (सी) एवं 13 (1) (डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संस्कृत प्रयत्नों और दुष्प्रेरणों तथा उसी संबंधवहार के अनुक्रम में किए गए अथवा उन्हीं नव्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के महसूतों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[सं. 228/32/2002/ए.बी.डी.-II(ii)]
परमा नन्द, अवर मन्त्रिव

New Delhi, the 23rd May, 2002

S.O. 1774.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Karnataka vide Notification No. HD 24 PCR 2002 dated 4th February, 2002, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences punishable under Section 120-B read with 420 and 409 of the Indian Penal Code, 1860 and Section 13(2) read with 13(1)(c) and 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988), and attempts and

abetments in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts against Shri M. A. Gopal, Senior Divisional Manager, United Indian Insurance Company, Bangalore; (2) Sh. N. L. Sabbu Raju, Assistant Manager, United India Insurance Company, Bangalore; (3) Sh. D. Bright Joseph, Advocate, YMCA Building, 3rd Floor, 223, NSC Bose Road, Chennai 600 001 (Private Person) and other public servant or person registered with DSPE/CBI/ACB/Bangalore vide RC-4(A)/2002-BLR.

[No. 228/32/2002-AVD-II(ii)]
PARMA NAND, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 21 मई, 2002

का.आ. 1775.—अतः संयुक्त सचिव भारत सरकार जिन्हे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/15/2002 सी.यू.एस. VIII दिनांक 11-04-2002 को जारी किया और यह निर्देश दिया कि श्री रविंद्र रस्तोपी सुपुत्र श्री आर.बी. गुप्ता, निवासी 59, उदय पार्क, नई दिल्ली, को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एनदब्ल्यूआर पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[का. सं. 673/15/2002-सी.यू.एस. VIII]
एम.सी. गुप्ता, उप सचिव (कोफेपोसा)

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 21st May, 2002

S.O. 1775.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign

Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/15/2002-Cus. VIII, dated 11-4-2002 under the said Sub-section directing that Shri Ravindra Rastogi, S/o Shri R. B. Gupta, R/o 59, Uday Park, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/15/2002-Cus.VIII]

S. C. GUPTA, Dy. Secy. (COFPOSA)

आदेश

नई दिल्ली, 21 मई, 2002

का.आ. 1776.—अतः संयुक्त सचिव, भारत सरकार जिन्हे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/16/2002 सी.यू.एस. VIII, दिनांक 11-04-2002 को जारी किया और यह निर्देश दिया कि श्री रविंद्र रस्तोपी सुपुत्र श्री शिव बरण सिंह, निवासी सी-4/एफ., 281-ए, जनकपुरी, नई दिल्ली, को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एनदब्ल्यूआर पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[का. सं. 673/16/2002-सी.यू.एस. VIII]

एम.सी. गुप्ता, उप सचिव (कोफेपोसा)

ORDER

New Delhi, the 21st May, 2002

S.O. 1776.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign

Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/16/2002-Cus.VIII, dated 11-4-2002 under the said Sub-section directing that Shri Rudra Pratap Singh, S/o Shri Shiv Baran Singh, R/o C-4/F, 281-A, Jankpuri, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/16/2002-Cus.VIII]
S. C. GUPTA, Dy. Secy. (COFEPOSA)

नई दिल्ली, 21 मई, 2002

का.आ. 1777.—अत : संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा '1' के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/12/2002-सी.यू.एस. VIII, दिनांक 13-2-2002 की जारी किया और यह निर्देश दिया कि श्री आदिल, सुपुत्र श्री इफितखार अहमद, निवासी 2883, गली कप्तान वाली कुच्चा चेलान तीसरी मंजिल दरियांगंज, नई दिल्ली को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए ताकि भवित्व में उसे विदेशी मुद्रा के संरक्षण या संवर्धन के प्रतिकूल किसी रीति से कार्य करने से रोका जा सके।

2. अत : केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह निपादित नहीं किया जा सकता।

3. अत : अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद द्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुनिस आयुक्त दिल्ली के सम्मुख उपस्थित हो।

[फा. सं. 673/12/2002-सी.यू.एस.)VIII]
विजय के, शर्मा, उप सचिव (कोफेक्सा)

1611 GL/2002-2

ORDER

New Delhi, the 21st May, 2002

S.O. 1777.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/12/2002-Cus.VIII, dated 13-2-2002 under the said Sub-section directing that Shri Adil, S/o Shri Iftikhar Ahmed, R/o 2883, Gali Kaptan Wali, Kucha Chelan, III Floor, Darya Ganj, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from acting in any manner prejudicial to the Conservation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/12/2002-Cus.VIII]
VIJAY K. SHARMA, Dy. Secy. (COFEPOSA)

आदेश

नई दिल्ली, 21 मई, 2002

का.आ. 1778.—अत : संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/09/2002-सी.यू.एस. VIII, दिनांक 19-3-2002 को जारी किया और यह निर्देश दिया कि श्री मक्तुम युसूफ मर्चेन्ट मुपुव श्री युसूफ मर्चेन्ट निवासी 601, कृष्णा अपार्टमेंट 6टी मंजिल पोचखानवाला भार्ग, वरली सी फेस्ट वरली, मुम्बई-400018 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए ताकि उन्हें भवित्व में चीजों की तस्करी में अवधारित होने से रोका जा सके।

2. अत : केन्द्रीय सरकार के पास मह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निपादित नहीं किया जा सकता।

3. अत : अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद द्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में, इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुनिस प्रायक्त मुम्बई के सम्मुख उपस्थित हो।

[फा. सं. 673/09/2002-सी.यू.एस VIII)]
एस.सी. गुप्ता, उप सचिव (कोफेक्सा)

ORDER

New Delhi, the 21st May, 2002

S.O. 1778.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/9/2002-Cus.VIII dated 19-3-2002 under the said Sub-section directing that Shri Maqsood Yusuf Merchant, S/o Shri Yusuf Merchant, R/o 601, Krishna Apartments, 6th Floor, Pochkhanwala Marg, Worli Sea Face, Worli Mumbai-400013 be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from abetting the smuggling of goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/9/2002-Cus.VIII]
S. C. GUPTA, Dy. Secy. (COFEPOSA)

आदेश

नई दिल्ली, 21 मई, 2002

का.श्रा.1779.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उपधारा के अधीन आदेश फाइल सं. 673/07/2002-सी.यू.एस. VIII, दिनांक 19-03-2002 को जारी किया और यह निर्देश दिया कि श्री सरफाराज युसूफ धनानी उर्फ सरफाराज युसूफ धनानी मुप्रक्ष श्री मोहम्मद युसूफ अब्दूल रज्जाक धनानी निवासी 601, कृष्णा अपार्टमेंट पोचखानवाला मार्ग, वर्ली सी फेस, मुम्बई-400018 को निरुद्ध कर लिया जाए और केन्द्रीय कारोगार, मुम्बई में अभिरक्षा में रखा जाए ताकि उन्हें भविष्य में चीजों की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः यह उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश

के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त मुम्बई के सम्मुख उपस्थित हो।

[फा. सं. 673/07/2002-सी.यू.एस. VIII]

ए.म.सी. गुप्ता, उप सचिव (कोफेपोसा)

ORDER

New Delhi, the 21st May, 2002

S.O. 1779.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/7/2002-Cus.VIII, dated 19-3-2002 under the said Sub-section directing that Shri Sarfaraz Yusuf Dhanani @ Sharfaraz Yusuf Dhanani, S/o Shri Mohammad Yusuf Abdul Razaak Dhanani, R/o 601, Krishna Apartments, Pochkhanwala Marg, Worli Sea Face, Mumbai-400018 be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/7/2002-Cus.VIII]
S. C. GUPTA, Dy. Secy. (COFEPOSA)

नई दिल्ली, 7 मई, 2002

(आयकर)

का.आ. 1780.—केन्द्रीय सरकार, 'आयकर अधिनियम 1961 (1961 का 43) की धारा 193 के परंतुक के खंड (ii ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय कृषि और ग्रामीण विकास, बैंक मुम्बई द्वारा जारी किए गए "नावाड़ पूँजी अधिलाभ बंधपत्रों" को उक्त खंड के प्रयोजनों के लिए विनिविष्ट करती है;

परंतु उक्त परंतुक के अधीन पौधारों एवं अन्य पौधों के पृष्ठोंकन या परिदान द्वारा अंतरण की दशा में केवल उस समय अनुशेष होगा जब अंतरिक्षीय गण्डीय कृषि और ग्रामीण विकास बैंक को ऐसे अंतरण के साठ दिन की अवधि के भीतर रजिस्ट्रीकृत डाक द्वारा सूचित करता है।

[सं. 106/2002/फा. सं. 275/12/2002-आई टी (बी)]

के. शशिकाल्यन, अवर सचिव

New Delhi, the 7th May, 2002

(INCOME-TAX)

S.O. 1780.—In exercise of the powers conferred by clause (ii) of the proviso to Section 193 of the Income-Tax Act, 1961 (43 of 1961), the Central

Government hereby specifies the "NABARD Capital Gains Bonds" issued by the National Bank for Agriculture and Rural Development, Mumbai, for the purposes of the said clause :

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds by endorsement or delivery, only if the transferee informs the National Bank for Agriculture and Rural Bank by registered post within a period of sixty days of such transfer.

[No. 106/2002/F. No. 275/12/2002-IT(B)]

K. SASIKANTHAN, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 10 मई, 2002

(आयकर)

का.ग्रा. 1781.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार अधोलिखित संगठन को उनके नाम के सामने उल्लिखित अवधि, के लिए आयकर नियमावली, 1962 के नियम 6 के माध्य पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के बांध (ii) के प्रयोजनार्थ 'संघ' श्रेणी के अन्तर्गत निम्नलिखित शर्तों के प्रधीन अनुमोदित करती है :

- (i) अधिसूचित संघ अपने अनुसंधान कार्यकलापों के लिए अलग लेखा बहियों का रख-रखाव करेगा;
- (ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिपोर्ट प्रत्येक 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टक्कोलाजी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोदिष्ट नियरिण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में प्राय एवं व्याख्याते की लेखा परीक्षा की भी एक प्रति संस्था पर अधिकार क्षेत्र वाले (क) आयकर महानिदेशक (छूट) 10 मिडिलटन रोड, पांचका तल, कोलकाता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) आयकर आयक्त/आयकर निदेशक (छूट)

को प्रत्येक वर्ष 31 अक्टूबर को अथवा उससे पहले प्रस्तुत करेगा।

क्रम अनुमोदित संगठन का नाम अधिकारी जिसके लिए अधिसूचना प्रभावी है

1. इंडियन रजिस्ट्रार आफ जिपिंग, 1-4-2001 से
72, मेक्सें टावर्स "एफ", 7वां 31-3-2003 तक
तल, कफे पराड, मुम्बई-
400005

टिप्पणी : अधिसूचित संघ को सलाह दी जाती है कि वे अनुमोदन के नवीकरण के लिए तीन प्रतियों में और पहले ही अधिकार क्षेत्र वाले आयकर आयक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को अधेदन करें। अनुमोदन के नवीकरण के लिए आयक्तन पत्र की तीन प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना संख्या 109/2002 फा. सं. 203/11/99-आईटी-ए-II]

संगीता गुप्ता, निदेशक (आईटी-ए-II)

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 10th May, 2002

(INCOME-TAX)

S.O. 1781.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against its name, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The notified Association shall maintain separate books of accounts for its research activities ;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year ;
- (iii) The notified Association shall submit on behalf of the Central Government, to (a) the Director General of Income-tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071, (b) the Secretary, Department of Scientific and Industrial Research, and (c) the Commissioner of Income-tax/ Director of Income-tax (Exemptions), having jurisdiction over the organisation on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities

for which exemption was granted under Sub-section (1) of Section 35 of Income-tax Act, 1961 in addition to the return of Income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Indian Register of Shipping 72, Makers Towers, 'F', 7th Floor, 31-3-2003 Cuffe Parade, Mumbai-400005	1-4-2001 to 1-4-2001 to 31-3-2003

Notes : The notified Association is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/ Director of Income-tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 109/2002/F. No. 203/11/99-
ITA-II]

SANGEETA GUPTA, Director (ITA.II)

नई दिल्ली, 10 मई, 2002

(ग्राहक)

का. प्रा. 1782.—सामान्य जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार अधिसूचित संगठन को उनके नाम के सामने उल्लिखित अवधि के लिए ग्राहकर नियमावली, 1962 के नियम 6 के साथ पठित ग्राहकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के बांद (ii) के प्रयोजनार्थ संघ श्रेणी के अन्तर्गत नियमित नियमित जरूरी के अधीन प्रनमोदित करती है :—

- (i) अधिसूचित संघ अपने अनुसंधान कार्यकलापों के लिए अन्तर्गत लेखा बहियों का रख-रखाव करेगा;
- (ii) अधिसूचित संघ प्रत्येक वित्तीय वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गति-विधियों की वार्षिक रिटर्न प्रत्येक 31 मई को अवधि उससे पहले सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग "टैक्नोलॉजी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा;
- (iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामोदिष्ट निर्धारण अधिकारी को ग्राहकर की विवरणी प्रस्तुत करने के अतिरिक्त अपने लेखा परीक्षित वार्षिक लेखों की एक प्रति तथा अपने अनुसंधान कार्यकलापों जिसके लिए ग्राहकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में ग्राहकर एवं व्यय खाने की लेखा परीक्षा की भी एक प्रति संस्था पर अधिकार धोखा बाले (क) ग्राहकर महानिदेशक (छूट) 10 मिडलटन रा, पांचवर्

तल, कोलकाता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग तथा (ग) ग्राहकर ग्राहकर निदेशक (छूट) को प्रत्येक वर्ष 31 अक्टूबर, की अवधि उससे पहले प्रस्तुत करेगा।

क्र.	प्रनमोदित संगठन का नाम	अवधि जिसके लिए अधिसूचना प्रभावी है।
1.	थापर सेंटर फार इंडस्ट्रियल रिसर्च एंड डेवलपमेंट थापर टक्नोलॉजी कैम्पस, पोस्ट बाक्स नं. 68, पटियाला 147001, इंडिया	1-4-2000 से 31-3-2003 तक

टिप्पणी : अधिसूचित संघ को सलाह दी जाती है कि वे प्रनमोदित के वरीकरण के लिए तीन प्रतियों में और पहले ही ग्राहकर धोखा बाले ग्राहकर ग्राहकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को ग्राहकर करे। अनुमोदित के वरीकरण के लिए ग्राहकर पत्र की तीन प्रतियों सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को सीधे भेजी जाएंगी।

[अधिसूचना संख्या : 110/2002/(फा. सं. 203/22/2001-
प्राइटी-II)]

संगीता गुप्ता; निदेशक (प्राइटी-II)

New Delhi, the 10th May, 2002

(INCOME-TAX)

S.O. 1782.—It is hereby notified for general information that the organisations mentioned below have been approved by the Central Government for the period mentioned against their names, for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" subject to the following conditions :—

- (i) The notified Association shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income-tax (Exemptions), 10 Middleton Row, 5th Floor, Kolkata-700071, (b) the Secretary, Department of Scientific and Industrial Research, and (c) the Commissioner of Income-tax/ Director of Income-tax (Exemptions), having jurisdiction over the organisation, on or

before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income-tax Act, 1961 in addition to the return of Income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
	Thapar Centre for Industrial Research & Development, Thapar, Technology Campus, Post Box No. 68, Patiala-147001, India	1-4-2000 to 31-3-2003

Notes : The notified Association are advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction. Three copies of application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 110/2002/F. No. 203/22/2001-

ITA-II]

SANGEETA GUPTA, Director (ITA.II)

आधिक कार्य विभाग

(प्रतिभूति कागज कारखाना होशंगाबाद)

नई दिल्ली, 6 मई, 2002

का.आ. 1783:- राष्ट्रपति एवं द्वारा मूलनियमों के नियम-45 के उपबन्धों के अनुसरण में प्रतिभूति कागज कारखाना, होशंगाबाद (मध्यप्रदेश) के कर्मचारियों के लिए आवास गृहों के आवंटन को भासित करने वाले निम्नलिखित नियम बनाने हैं, अर्थात् :—

1. संक्षिप्त शीर्षक, प्रारम्भ तथा प्रयोज्यता :— (1) इन नियमों को सरकारी आवासों का आवंटन (प्रतिभूति कागज कारखाना, होशंगाबाद) नियमावसी 2002 कहा जाएगा।

(2) वे सरकारी राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

(3) वे प्रतिभूति कागज कारखाना, होशंगाबाद में आवास के लिए सागृ होंगे।

2. परिभाषाएँ :— इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

(क) आवंटन का अधिकार इन नियमों के उपबन्धों के अनुसार आवास का अधिग्रहण करने के लिए लाईसेंस प्राप्त करना है।

(ख) “आवंटन वर्ष” का अभिप्राय पहली अनवरी से अथवा ऐसी अन्य अवधि जो राष्ट्रपति द्वारा अधिसूचित की जाए, प्रारंभ होने वाला वर्ष है।

(ग) “पाव कार्यालय” का प्रतिभूति कागज कारखाना, होशंगाबाद (म.प्र.) अथवा केवल ऐसे कर्मचारियों के संबंध

में जो होशंगाबाद (म.प्र.) में रहते हैं तथा प्रतिभूति कागज कारखाना, होशंगाबाद (म.प्र.) में कार्य कर रहे हैं, केन्द्रीय सरकार अथवा राज्य सरकार के अन्य विभाग हैं।

(घ) “कारखाना” से अभिप्राय प्रतिभूति कागज कारखाना, होशंगाबाद (म.प्र.) से है,

(इ) “परिवार” से आशय पत्नी या पति, जैसा भी मामला हो, और बच्चे, सौतेले बच्चे, कानूनी रूप से गोद लिए गए बच्चे, माता-पिता, भाई या बहन हैं, जो कि सामान्यता कर्मचारी के साथ रहते हैं और उस पर आश्रित है।

(ज) “सक्षम प्राधिकारी” से तात्पर्य महाप्रबन्धक है और प्रतिभूति कागज कारखाना, होशंगाबाद (म.प्र.) के इसमें प्रबन्धक (कार्मिक) शामिल है।

(झ) “सरकार” से आशय केन्द्रीय सरकार से है जब तक कि संदर्भ से अन्यथा अपेक्षित न हो।

(ज) किसी कर्मचारी के सम्बन्ध में श्रेणी में तात्पर्य आवास की उस श्रेणी से है जिसके लिए वह नियम-5 के तहत पात्र है।

(झ) “लाईसेंस शुल्क” से तात्पर्य उन नियमों के तहत आवंटित किसी आवास के संबंध में भूल नियमों के उपबन्धों के अनुसार मासिक रूप से अदा की जाने वाली राशि से मैं है।

(अ) परिलक्षियाँ का अभिप्राय जैसा कि नियम 9(21)

(क) (1) में ‘यथा परिभाषित वेतन से है।

स्पष्टीकरण :— ऐसे कर्मचारी के मामले में, जो कि निलंबित किया गया हो, उसके द्वारा आवंटन वर्ष जिसमें उन्हें निलंबित किया गया है, के पहले विन प्राप्त की गई परिलक्षियों या यदि उन्हें आवंटन वर्ष के पहले दिन निलम्बिताधीन है तो उस तारीख से परन्तु पहले उनके द्वारा प्राप्त की गई परिलक्षियों, उसकी परिलक्षियों के रूप में भानी जाएगी।

(ट) किसी कर्मचारी की आवास के प्रकार टाईप -वी, डी, डी-II जिसके लिए वह नियम-5 के तहत पात्र है के सम्बन्ध में पूर्विकता तारीख का अभिप्राय, वह सर्वप्रथम तारीख है जिससे वह निरंतर सेवा में है तथा केन्द्रीय सरकार, राज्य सरकार या छुट्टी की अवधि के अलावा बाध्य सेवा के अन्तर्गत किसी पद पर किसी विशेष श्रेणी या उच्चतर श्रेणी से संबंधित परिलक्षियाँ प्राप्त कर रहा है और टाईप-I से टाईप-IV के संबंध में पूर्विकता तारीख का अभिप्राय वह सर्वप्रथम नारीख है जिसमें वह निरंतर केन्द्र सरकार या राज्य सरकार की सेवा में है। परन्तु यह कि दो या उसके अधिक कर्मचारियों की पूर्विकता तारीख एक हो, उनके बीच वरिष्ठता परिलक्षियों द्वारा निर्धारित की जाएगी, अधिक परिलक्षियाँ प्राप्त करने वाले कर्मचारियों को कम परिलक्षियाँ पाने वाले कर्मचारियों पर तरजीह दी जाएगी, जहां सेवाकाल की अवधि के आधार पर परिलक्षियाँ समान हो

और जहाँ परिलिंग्धियाँ और सेवाकाल की अवधि कर्मचारी के बेतनमान के आधार पर समझ हो तो अधिक बेतनमान वाले पर काम करने वाले अधिकारी को कम बेतनमान प्राप्त करने वाले अधिकारी पर तरजीह दी जाएगी और जहाँ सभी स्थितियाँ समान हो वहाँ वरिष्ठता जन्म की तारीख के अनुसार निर्धारित की जाएगी और जहाँ जन्म तारीख भी समान हो वहाँ वरिष्ठता कर्मचारी के नाम के आरम्भ के अधार के अनुसार तथ की जाएगी ।

(ठ) "आवास" से अभिप्राय उस समय तक के लिए सभी प्राधिकारी के प्रशासनिक नियन्त्रण में फिलहाल के लिए कोई आवास है, जब तक वहाँ काम करना है ।

(इ) "किराए पर देने" से तान्त्र्य है किसी आवंटी द्वारा किसी अन्य व्यक्ति के साथ उस अन्य व्यक्ति द्वारा लाईसेंस शुल्क को अदा करने या अदा किए बिना आवास में भागीदारी करना ।

स्पष्टीकरण :— किसी आवंटी द्वारा निकट सम्बन्धों के साथ आवास में भागीदारी करने को किराएदार बैना नहीं माना जायेगा ।

(ङ) "अस्थाई स्थानान्तरण" से अभिप्राय ऐसे स्थानान्तरण से हैं जिसमें कम से कम चार महीने की अवधि के लिए अनुपस्थित रहना शामिल है ।

(ग) "स्थानान्तरण" से अभिप्राय है प्रतिभूति कागज कारखाना, होमिंगबाइ (म.प.) में बाहर स्थानान्तरण या प्रतिभूति कागज कारखाना से सम्बन्धित कार्य या उससे जुड़े कार्य से स्थानान्तरण है ।

3. स्वयं के स्वामित्व वाले घर के मालिक कर्मचारियों को आवंटन (1) इस नियम में :—

(क) "संलग्न नगरपालिका" का अर्थ स्थानीय नगर नियम से लगी हुई कोई नगरपालिका है ।

(ख) किसी कर्मचारी या उसे परिवार के सदस्य के सम्बन्ध में "घर" से तात्पर्य है कोई भवन उसका भाग जो आवासीय उद्देश्य के लिए प्रयुक्त होता हो तथा स्थानीय नगरपालिका (या किसी संलग्न नगरपालिका) के अधिकारी क्षेत्र में स्थित हो ।

स्पष्टीकरण :— एक भवन जिसका कोई भागी आवासीय उद्देश्यों के लिए प्रयोग किया जा रहा है, उसे इसके आवजूद कि उसका कोई भाग गैर-आवासीय उद्देश्यों के लिए प्रयुक्त किया जा रहा, इस घण्टे के प्रयोजनार्थ घर माना जाएगा ।

(ग) किसी कर्मचारी के सम्बन्ध में स्थानीय नगरपालिका से अभिप्राय हैं वह नगरपालिका जिसके अधिकारी क्षेत्र में उसका कार्यालय स्थित है ।

(घ) कर्मचारी के संबंध में "परिवार के सदस्य" में अभिप्राय पत्नी या पति है जैसा भी मामला हो या सरकारी कर्मचारी पर आश्रित बच्चे से है ।

(ङ) "नगरपालिका" में कोई नगर नियम, कोई नगरपालिका समिति या बोर्ड, कोई शहरी क्षेत्र समिति, कोई अधिसूचित क्षेत्र समिति और कोई छावनी बोर्ड शामिल है ।

(2) यदि किसी कर्मचारी या उसके कार्य करने के स्थान पर संलग्न नगरपालिका क्षेत्र में उसके अपने नाम पर या परिवार के किसी सदस्य के नाम पर घर है तो भी वह उस घर पर, जो सरकार द्वारा समय-समय पर निर्धारित की जाती है, उन्हें आवंटित सरकारी आवास के लिए लाई-सेम शुल्क के भुगतान पर सरकारी आवास का आवंटन पाने का पात्र होगे ।

(3) किसी कर्मचारी को सरकारी आवास का आवंटन होने के बाद यदि वह या उसके परिवार का कोई सदस्य उसके कार्य करने के स्थान पर (या संलग्न नगरपालिका में) घर का स्वामी बनता है तो वह कर्मचारी उस आवास को किराए पर देने, या अधिग्रहित करने या पूरा होने की तारीख के, जो भी पहले एक महीने की अवधि के अन्तर सभी प्राधिकारी को इस नियम के बारे में सूचित करेगा ।

4. पति और पत्नी के रोजगारयुक्त होने की स्थिति में आवंटन के पालना—(1) इन नियमों के तहत ऐसे कर्मचारी का, पति या पत्नी का जैसा भी मामला हो, पहले से सही आवास आवंटित किया गया है या जब तक उस आवास को वापिस न किया जाये तब तक आवास आवंटित नहीं किया जावेगा ।

परन्तु यह कि यह उप नियम वहाँ लागू नहीं होगा जहाँ पत्नी किसी न्यायालय द्वारा द्विए गए न्यायिक पूरकीकरण के आदेश के अनुसरण में अलग-अलग रह रहे हों ।

(2) इन नियमों के तहत जहाँ जन्म-पता आवंटित आवासों में रहने वाले कर्मचारी अपास में विवाह करते हैं तो उन्हें उनके विवाह के एक महीने के अंदर एक आवास को वापिस करना होगा ।

(3) यदि उप नियम (2) के द्वारा अनेक कोई आवास वापिस नहीं किया जाता तो एक महीने के अवधि के ममात होने के बाव नियन्त्रण प्रकार के आवास का आवंटन रद्द समझा जाएगा और यदि दोनों आवास एक ही टाइप के हैं तो उनमें से एक का आवंटन जिसके बारे में सभी प्राधिकारी रद्द करने का निर्णय लें, उन अवधि के ममात होने के बाव रद्द हो जाएगा ।

(4) यदि पति और पत्नी दोनों पात्र कार्यालय में कार्यरत हैं तो इन नियमों के तहत आवास के आवंटन के लिए उनमें से प्रत्येक के नाम के बारे में पृथक रूप से विचार किया जाएगा ।

5. उप नियम (1) से (4) में निहित किसी बात के होते हुए भी : (क) यदि पत्नी या पति, जैसा भी मामला हो, जिस नियमों के प्रत्यंतर्गत कोई आवास आवंटित है, का ऐसे समूह में उसी स्थान पर एक आवास आवंटित किया

जाता है जिस पर ये नियम लागू न होने हों तो उन्हें आवंटन के एक माह के अन्दर से एक आवास वापस करना होगा।

परन्तु यह कंडिका अलग-अलग रहे रहे तथा किसी अवालत द्वारा कानूनी रूप से विलग हुए परन्तु तथा पनी के मामले में लागू नहीं होगा।

(ख) जहां दो अधिकारी, उसी स्थान पर अलग-अलग आवासों के आवंटी हों, जिनमें एक आवास इन नियमों के अन्तर्गत तथा दूसरा ऐसे समूह में जिस पर ये नियम लागू न होते हों, आवंटित किया गया हो और वे एक दूसरे से विवाह कर लेते हैं तो उनमें से एक आवास विवाह की तिथि से एक माह के अन्दर वापस करना होगा।

(ग) यदि कंडिका (क) तथा (ख) में यथोच्चालित, आवास वापस नहीं किया जाता है तो सामान्य समूह के आवास को वैसी अवधि की समर्पित पर रद्द माना जावेगा।

5. आवासों का वर्गीकरण :— कोई कर्मचारी दिखाई गई सारणी में दण्डई गई उतकी परिविधियों के उपयुक्त प्रकार के आवास के आवंटन के लिए पात्र होगा :—

आवास का प्रकार	पुनर्वर्गीकरण	पात्रता
टाईप-वन	ए	रु 3050/- से कम
टाईप-जी, II एवं ए	ए-1	रु 3050/- से रु 5499/- तक
टाईप-III, बी एवं एफ बी		रु 5500/- से रु 8499/- तक
टाईप-ई, II एवं सी सी		रु 8500 से रु 11900/- तक
टाईप-I, डी-II एवं डी डी		रु 12000/- से रु 15099/- तक
टाईप-सी-I (3 नग)		महाप्रबन्धक एवं उप महाप्रबन्धक के लिए उद्दिष्ट है।
टाईप-सी-II (I नग)		मुख्य अधिकारी, कार्य प्रबन्धक एवं प्रबन्धक जिनका वेतन रु 12000-15999 में है, के लिए उद्दिष्ट है।

6. आवंटन के लिए आवेदन :— (1) कोई कर्मचारी जसके पास सरकारी आवास है, उन्हें टाईप के आवास के

लिए पात्र होने पर इस सक्षम प्राधिकारी द्वारा निर्धारित फार्म, तरीके व तारीख तक अपना आवेदन प्रस्तुत करेगा।

(2) यदि किसी कर्मचारी के पास सरकारी आवास नहीं है तो सक्षम प्राधिकारी आवेदन को ऐसे फार्म और तरीके तथा उनके द्वारा निर्धारित तारीख से पहले संग्रहण।

(3) कोई अधिकारी जो अपनी प्रथम नियुक्ति अथवा स्थानान्तरण पर नियुक्ति पर होशमझाद (म. प्र.) में अपनी सेवा प्रारंभ करते हैं, उन्हें सेवा प्रारंभ होने की तिथि से एक माह के अन्दर अपना आवेदन महाप्रबन्धक को प्रस्तुत करना होगा।

(4) उप नियम (3) के अन्तर्गत केंटेंडर माह के अंतिम दिन या उसमें पूर्व प्राप्त आवेदनों पर भी अनुवर्ती माह में आवंटन के लिए विचार किया जावेगा।

7. आवासों का आवंटन :— इन नियमों में अन्यथा उपबंधित के सिवाय खाली होने वाला कोई आवास सक्षम प्राधिकारी द्वारा तर्जीही रूप से नियम 13 के उपबंध के तहत उस टाईप में आवास का परिवर्तन बाहने वाले प्रार्थी को आवंटित किया जाएगा और यदि प्रयोजन के लिए आवश्यकता न हो तो निम्न शर्तों के अधीन आवास के उस प्रकार के लिए सबसे पहली पूर्वकता तारीख वाले बिना आवास वाले प्रार्थी को आवंटित किया जाएगा।

(क) सक्षम प्राधिकारी किसी प्रार्थी को उस टाईप से नीचे के टाईप के आवास को स्वीकार करने के लिए बाध्य नहीं करेगा जिसके लिए वह नियम 5 के तहत पात्र है।

(ख) सक्षम प्राधिकारी किसी प्रार्थी के निम्न वर्ग के आवास का आवंटन करने के अनुरोध पर उसे उस टाईप से नीचे के वर्ग का आवंटन कर सकता है जिसके लिए प्रार्थी उसकी पूर्विकता तारीख के आधार पर नियम 5 के तहत पात्र है।

(2) यदि कर्मचारी के कब्जे वाले आवास को खाली कराया जाना अपेक्षित हो तो सक्षम प्राधिकारी किसी कर्मचारी के वर्तमान आवंटन को रद्द कर सकता है और उसी टाईप के वैकल्पिक आवास का आवंटन कर सकता है या आपात स्थितियों में कर्मचारी के कब्जे के आवास के टाईप से नीचे का वैकल्पिक आवास आवंटित कर सकता

(3) उप नियम (1) और (2) के तहत किसी कर्मचारी को आबंटन के प्रतिरिक्त किसी खाली आवास को एक ही समय में किसी अन्य पात्र कर्मचारी को उनकी पूर्विकता नारीख के अम में दिया जा सकता है।

8. आबंटन या प्रस्ताव को स्वीकार न करना या स्वीकृति देने के बाद आबंटित आवास का अधिग्रहण करने में असमर्थता :—

(1) यदि कोई कर्मचारी पांच दिन के भीतर आवास के आबंटन को स्वीकार करने में असमर्थ रहता है या आबंटन का पत्र प्राप्त करने की तारीख से 8 दिन के भीतर उस आवास पर कब्जा करने में असफल रहता है जो वह आबंटन पत्र की तारीख से एक अवधि के दूसरे आबंटन के लिए पात्र नहीं होगा।

(2) यदि कोई कर्मचारी जो निम्न प्रकार के दावप के आवास में रह रहा है को उस दावप के आवास का

9. अवधि जिसके लिए आबंटन बना रहता है तथा और अधिक धारण के लिए रियायती अवधि : (1) कोई आबंटन उस तारीख से प्रभावी होगा जब से वह कर्मचारी द्वारा स्वीकृत किया गया है और तब तक प्रभावी रहेगा :—

(क) कर्मचारी की होशंगाबाद में पात्र कार्यालय में कार्य अवधि समाप्ति के बाद उप नियम (2) के तहत अनुशेय रियायती अवधि के समाप्त हो जाने के बाद।

(ख) यदि वह सक्षम प्राधिकारी द्वारा रह किया गया हो या इन नियमों के तहत किसी प्रावधान के अन्तर्गत रह हुआ माना जाए।

(ग) कर्मचारी द्वारा वापिस कर दिया जाए, या

(घ) कर्मचारी आवास का अधिग्रहण करने से इंकार कर दें।

(2) किसी कर्मचारी को आबंटित कोई आवास नीचे की सारणी के कालम (1) में विनिर्दिष्ट तर्थों में से किसी के भी होने पर उसके कालम (2) में तदनुसार प्रविष्टि में निर्विष्ट अवधि के लिए उप नियम (3) के अध्याप्तीन अवधारित किया जा सकता है। परन्तु यह किसापात की कर्मकारीया उसके परिवार के सदस्यों के वास्तविक योग के लिए प्रावश्यक है।

स्थितियां

आवास को अधिकार में रखने के लिए अनुज्ञेय अवधि

1.

2

(1) त्याग पत्र, निलम्बन या पदच्युत होमा सेवा की समाप्ति या बिना आज्ञा के अनाधिकृत अनुपस्थिति।

1 माह

(2) सेवानिवृत्ति या समाप्ति छुट्टी

4 महीने

(3) आबंटी की भूत्यु

12 महीने

(4) होशंगाबाद से बाद किसी स्थान पर स्थानांतरण।

2 महीने

(5) होशंगाबाद से अपात कार्यालय को स्थानांतरण।

2 महीने

(6) भारत में बाध्य सेवा जाने पर

2 महीने

(7) भारत में अस्थायी स्थानांतरण या भारत से बाहर किसी स्थान पर स्थानांतरण

4 महीने

(8) अवकाश (सेवा निवृत्ति से पहले का अवकाश अस्वीकृत अवकाश, समाप्ति अवकाश, चिकित्सा अवकाश, मासूर्ख अवकाश या अध्ययन अवकाश के प्रतिरिक्त अवकाश)

अवकाश की अवधि के लिए किन्तु 4 महीने से अधिक नहीं। मातृत्व अवकाश के मामले में निरन्तरता में प्रवान किया गया अवकाश जो अधिकतम 5 महीने है।

(9) सेवानिवृत्ति से पहले का अवकाश या एफ.आर.-86 के अन्तर्गत प्रदान किया गया अवकाश जो एफ.आर. (जं.) के अन्तर्गत सेवा निवृत्त हुए हों।

(10) भारत या उसके बाहर अध्ययन अवकाश

(11) भारत से बाहर प्रतिनियुक्ति

(12) विकिसा आधार पर अवकाश

(13) सरकार द्वारा प्रायोजित प्रशिक्षण पर जाने पर

सेवा निवृत्ति से पहले अवकाश के मामले में अधिकतम 180 दिनों तक की पूर्ण आसत बेतन पर अवकाश की पूर्ण अवधि के लिए तथा सेवानिवृत्ति के मामले में अनुशेष अवधि को शामिल करने हुए अन्य मामलों में 4 महीने।

(क) यदि कर्मचारी के पास उसकी अधिकारिता से निम्न श्रेणी का आवास है तो अध्ययन अवधि की संपूर्ण अवधि के लिए।

(ख) यदि कर्मचारी के पास उसकी अधिकारिता के टाइप के आवास 6 महीने से अनाधिक अवधि के लिए अधिग्रहित है परन्तु वह को जहां अध्ययन अवकाश 6 महीने से अधिक हो वहां के अध्ययन अवकाश के आरंभ होने की तारीख से या 6 महीने समाप्त होने के बाद उसकी अधिकारिता से एक टाइप निम्न घेकलिंग अवकाश प्रदान किया जा सकता है, यदि वह आहे तो।

प्रतिनियुक्ति की अवधि के लिए किन्तु छह महीने से अधिक नहीं

अवकाश की पूरी अवधि।

प्रशिक्षण की पूर्ण अवधि।

स्पष्टीकरण : (1) यदि भारत में स्थानतान्त्रण पर या बाह्य सेवा वाले किसी अधिकारी की छुट्टी स्वीकृत होती है और नए कार्यालय में कार्यभार संभालने से पहले वह उनका लाभ चाहता है तो उन्हें मद संदेश (4), (5), (6) और (7) के समाने उल्लिखित अवधि के लिए या छुट्टी की अवधि के लिए इस में से जो भी अधिक हो, के लिए प्रावास को रखने की अनुमति है।

(ii) यदि भारत में स्थानतान्त्रण या सेवा वाले किसी अधिकारी को अवकाश पर रहते हुए आदेश जारी होते हैं तो स्पष्टीकरण (1) के तहत स्वीकृत अवधि उस आदेश के जारी होने की तारीख से गिनी जावेगी।

(iii) जहां कोई प्रावास उप नियम (2) के अन्तर्गत रखा हुआ है, वहां प्रावंटन स्वीकार्य रियायती अवधि के समाप्त होने पर रह दुआ माना जाएगा जब तक कि अवधि की समाप्ति के तुरंत बाद कर्मचारी होशंगाबाद में पालकार्यालय में पुनः कार्यभार न संभाले।

(क) यदि कोई कर्मचारी बिना बतन और भस्ते के विकिसा अवकाश पर है तो वह उप नियम (2) के नीचे सारणी की मद संदेश (12) के तहत रियायती आधार पर प्रावास पर अधिकार बनाए रख सकता है, बशर्ते कि वह प्रत्येक माह ऐसे

प्रावास के लिए नगद लाइसेंस शुल्क जमा करायेगा और यदि वह 2 माह से अधिक की अवधि के लिए ऐसा लाइसेंस शुल्क जमा कराने में असमर्थ रहेगा वहां प्रावंटन रह हो जायेगा।

(iv) किसी कर्मचारी को उप नियम 2 के नीचे सारणी के मध्य (1) या मद (2) के तहत रियायती के आधार पर प्रावास भिला हुआ है तो उस सारणी में पुनः नियोजन प्राप्त करने पर वह उस प्रावास को रखने का अधिकारी होगा तथा यह इन नियमों के अन्तर्गत आगे भी किसी प्रावंटन के लिए पाल होगा। परन्तु यह कि ऐसे पुनःनियोजन पर यदि वह कर्मचारी की परिलिङ्गियों के आधार पर उसके द्वारा अधिग्रहित प्रावास टाइप का अधिकारी नहीं है तो उसे निम्न प्रकार के टाइप का प्रावास का आवंटन किया जावेगा।

(v) उपनियम (2) या उपनियम (3) या उपनियम (4) में निहित किसी बात के होते हुए भी अगर कोई कर्मचारी सेवा से निलंबित हो या हटा दिया जाये या उसकी सेवाएं समाप्त कर दी जाएं तो उस कार्यालय से संबंधित विभागाध्यक्ष जहां से निलंबन, हटाए जाने या सेवा समाप्ति से पहले वह कर्मचारी कार्यरत था, की पुष्टि हो जाए कि ऐसा करना लोकहित में आवश्यक या उचित था वहां वह सक्षम प्राधिकारी से उस कर्मचारी को किए गए आवास के आवंटन को रद्द करने के लिए तत्काल या उपनियम (2) के तीव्र मद संदेश (1) में संदर्भित एक मर्हीने की अवधि के समाप्त होने से पहले उस तारीख से जैसा भी वह विनिर्दिष्ट करें, कह सकता है और सक्षम प्राधिकारी तदानुसार कार्यवाही करेगा।

10. लाइसेंस शुल्क संबंधित उपबंध:—(1) जब आवास या वैकल्पिक आवास का आवंटन स्वीकार कर लिया जाता है तो लाइसेंस शुल्क के लिए देयता अधिग्रहण की तारीख या आवंटन की प्राप्ति की तारीख के आठवें दिन, जो भी पहले हो से प्रारंभ होगी ।

यदि कोई कर्मचारी आवंटन पत्र की प्राप्ति की तारीख के 8 दिन के भीतर उस आवास का अधिग्रहण करने में असमर्थ रहता है तो उस तारीख से 12 दिन की अवधि तक लाइसेंस शुल्क लिया जावेगा, परन्तु यह कि यहां निहित कुछ भी लागू नहीं होगा यदि के लो. नि. वि. यह प्रमाण-पत्र देता है कि आवास कब्जे के लिए उपयुक्त नहीं है और उसके परिणामस्वरूप कर्मचारी उक्त अवधि के भीतर आवास का अधिग्रहण नहीं कर सकता ।

(2) यदि किसी कर्मचारी को, जिसके अधिग्रहण में पहले से ही कोई आवास है, को अन्य आवंटन होता है, तो पूर्ववर्ती आवास का आवंटन नए आवास के अधिग्रहण की तारीख से रद्द समझा जावेगा । तथापि पूर्ववर्ती आवास को सामान्य अनुशा शुल्क के भुगतान पर, आवंटित आवास में सामान के स्थानांतरण के लिए 8 दिन की अवधि तक अधिवृत्य में रखा जा सकता है ।

परन्तु यह कि यदि पूर्ववर्ती आवास उपरोक्तानुसार 8 दिन के अन्दर खाली कर वापस नहीं किया जाता है, तो अधिकारी को नये आवास की स्वीकृति नवमें दिन से, उस आवास के प्रयोग की क्षतिपूर्ति तथा आवास में निवास, फर्नीचर तथा बगीचे का सरकार द्वारा समय-समय पर विनिश्चित अधिभार का भ्रगतान करना होगा ।

11. आवास के खाली होने तक लाइसेंस शुल्क की अदायगी के लिए कर्मचारी का वैयक्तिक उत्तरवायित्व और अस्थायी कर्मचारी द्वारा जमानत उपलब्ध कराना:—

(1) वह कर्मचारी जिसे आवास आवंटित किया गया है यह सुनिश्चित करने के लिए वैयक्तिक रूप से उत्तरवायी होगा कि उसे आवंटित किया गया आवास केवल आवास या

ऐसे किसी अन्य उद्देश्य के लिए प्रयुक्त विधा गया है जिसके लिए वह विशेष रूप में आवंटित किया गया है । वह ऐसे गैर-कानूनी गतिविधियों के लिए उस परिसर का प्रयोग न तो खुद करेगा न ही किसी अन्य को करने की अनुमति देगा जो किसी वर्ष या निवास की भावनाओं को ठेस पहुंचाए या शान्ति को भंग करें ।

वह कर्मचारी जिसे आवास आवंटित किया गया है उसके लाइसेंस शुल्क के लिए तथा उसमें सामान्य टूट-फूट से परे किसी क्षति या फर्नीचर, उपस्कर, फिटिंग में क्षति या उस अवधि के द्वीरान जिसके लिए उसे वह आवास आवंटित बना हुआ है या इन नियमों के प्रावधानों में किसी के तहत आवंटन रद्द हुआ है । सरकार द्वारा उपलब्ध कराई गई सेवाओं में क्षति के लिए वैयक्तिक रूप से उसगदायी होगा जब तक कि आउट हाउस उसके आनुषंगिक निर्माण सहित, आवास को खाली कर दिया जाए तथा वह पूर्णतः खाली मकान का स्वामित्व सरकार को वापिस न कर दिया जाए ।

(2) यदि किसी ऐसे कर्मचारी की आवास का आवंटन किया जाता है जो न तो स्थायी और न ही अर्द्ध सरकारी कर्मचारी है, वह उस आवास और सेवाओं के संबंध से लाइसेंस शुल्क और उसके द्वारा देय अन्य प्रभारों की विधिवृत्त अदायगी के लिए वह उसके बदले में उपलब्ध कोई अन्य आवास के संबंध में केवल य सरकार द्वारा इस संबंध में निर्धारित आवेदन पत्र में एक सुरक्षा बॉन्ड, एक जमानत के साथ प्रस्तुत करेगा जो प्रतिभूति कागज कारणाना, होशंगाबाद (म.प्र.) में कार्यरत एक स्थायी सरकारी कर्मचारी होना चाहिए ।

(3) यदि जमानती की सरकारी सेवा समाप्त हो जाती है या वह दिवालिया हो जाता है या अपनी गारंटी वापिस ले लेता है या किसी अन्य कारण से उपलब्ध नहीं होता हो तो वह कर्मचारी ऐसे घटना या तथ्य की जानकारी होने की तारीख से 30 दिन के भीतर किसी अन्य जमानती से लिया गया बॉन्ड प्रस्तुत करेगा और यदि वह ऐसा करने में असमर्थ रहता है तो उन्हें आवास का आवंटन उसे घटना की तारीख से सक्षम प्राधिकारी द्वारा अन्यथा निर्णय लिए जाने तक रद्द समझा जावेगा ।

12. किसी आवंटन को वापिस करना तथा उसके नोटिस की अवधि:—(1) कोई कर्मचारी किसी भी समय पूर्व सूचना जो आवास के खाली होने की तारीख से कम से कम दस दिन पहले सक्षम प्राधिकारी तक पहुंच जाए, देकर आवास को खाली कर सकता है । आवास का आवंटन उस तारीख जिसको वह सक्षम प्राधिकारी द्वारा प्राप्त किया गया है, से अपरहवें दिन या पत्र में निर्दिष्ट तारीख, जो भी बाद में हो रद्द समझा जावेगा । यदि वह उचित नोटिस देने में असमर्थ रहता है तो वह 10 दिन या उनने दिनों, जो उसके नोटिस देने के दिन से 10 दिन से कम रहते हैं, के लिए लाइसेंस फीस की अदायगी के लिए उत्तरवायी होगा । बास्तें कि सक्षम प्राधिकारी कम अवधि के लिए नोटिस स्वीकार कर सकता है ।

(2) यदि कोई कर्मचारी उप नियम (1) के तहत आवास वापिस कर देता है तो उस समर्पण की तारीख से एक वर्ष की अवधि के लिए आवास के उसके आवंटन पर दुबारा विचार नहीं किया जावेगा ।

13. आवास का परिवर्तन (1) कोई कर्मचारी, जिसे इन नियमों के अन्तर्गत आवास आवंटित किया गया है, उस टाइप के दूसरे आवास या उस टाइप के आवास के लिए जिसके नियम 5 के तहत पान्न हैं जो भी निम्न हो, आवेदन कर सकता है। कर्मचारी को आवंटित एक प्रकार के आवास के संबंध में एक से अधिक परिवर्तन की अनुमति नहीं होगी ।

(2) परिवर्तन के लिए सभी प्राधिकारी द्वारा निर्धारित फार्म में दिए गए तथा कलेंडर माह की 19वीं तारीख तक प्राप्त सभी आवेदन अगले महीने की प्रतीक्षा सूची में शामिल कर लिये जावेंगे। इस नियम के प्रयोजन के लिए जिन कर्मचारियों के नाम पहले महीने की प्रतीक्षा सूची में शामिल किए गए हैं, वे सामूहिक रूप से उनके वरिष्ठ होंगे जिनके नाम बाद की महीनों की सूची में शामिल किए गए हैं, किसी विशेष महीने की सूची में शामिल कर्मचारियों को परस्पर वरिष्ठता उनकी पूर्विकता तारीखों के अनुक्रम में निर्धारित की जाएगी ।

(3) परिवर्तन वरिष्ठता के क्रम में दिए जावेंगे जो उप नियम (2) और जहां तक सभी हो कर्मचारी की प्राथमिकताओं को ध्यान में रखते हुए उसके अनुसार निर्धारित की जावेगी ।

(4) यदि कोई कर्मचारी ऐसे प्रस्ताव या आवंटन के जारी होते के 5 दिन के भीतर उस प्रस्तावित परिवर्तन को स्वीकार करने में असमर्थ रहता है तो उस टाइप के आवंटन में परिवर्तन के लिए उस पर दुबारा विचार नहीं किया जावेगा ।

(5) आवास के परिवर्तन को स्वीकार करने के बाद यदि कोई कर्मचारी उसका अधिग्रहण करने में असमर्थ रहता है है तो उससे पहले से ही उनके अधिकार में आवास जिसका आवंटन जारी रहेगा के लिए एफआर 45-क के तहत सामान्य लाइसेंस फीस के अतिरिक्त उप नियम (1) के नियम 18 के प्राथधान के अनुसार उस आवास के लिए लाइसेंस फीस बसूत की जावेगी ।

14. परिवार के किसी सदस्य की मृत्यु होने पर आवास में परिवर्तन:—नियम 13 में निहित किसी बात के होते हुए किसी भी कर्मचारी को, उसके परिवार के किसी सदस्य की मृत्यु होने पर आवास का परिवर्तन करने की अनुमति होती है यदि वह ऐसी घटना के तीन महीने के भीतर परिवर्तन के लिए आवेदन करता है, परन्तु यह कि परिवर्तन आवास के उसी टाइप में और उसी तरह प्रदिया जावेगा जो कि कर्मचारी का पहले हो आवंटित हो चुका है ।

15. आवास का पारस्परिक अवला-बदली:—वे कर्मचारी जिन्हें इन नियमों के तहत समान टाइप के आवास आवंटित किए गए हैं, अपने आवासों की पारस्परिक अवला-बदली की अनुमति देने के लिए आवेदन कर सकते हैं। आपसी अवला-बदली की अनुमति प्रदान की जा सकती है यदि दोनों कर्मचारी के समुचित रूप से होशंगाबाद में कार्य पर उपस्थित होते तथा ऐसे परिवर्तन की अनुमति की तारीख से कम से कम 6 महीने के लिए पारस्परिक तीर पर अवला-बदली वाले आवास में रहने की संभावना हो ।

16. परिवार विहीन स्थान पर स्थानान्तरण:—यदि कोई अधिकारी ऐसे स्थान पर स्थानान्तरित किये जाते हैं, जहां उनके लिए परिवार रखना अनुमति न हो अथवा सरकार द्वारा वहां परिवार न रखने की सलाह दी गई और उन्हें इन नियमों के अंतर्गत परिवार की मौलिक बच्चों की शैक्षणिक आवश्यकताओं की पूर्ति के लिए आवास आवंटित किया गया हो तो उन्हें उनके आवेदन पर उनके बच्चों के बालू शिक्षण सदृ की समाप्ति तक मूल नियम 45-ए के अंतर्गत अनुका शुल्क के भूगतान पर आवास अधिपत्य में रखने की अनुमति दी जा सकती ।

17. आवास का रेख-रखाव:—(1) वह कर्मचारी जिसे आवास आवंटित किया गया है, वह आवास और परिसर को केन्द्रीय लोक निर्माण विभाग तथा प्रतिभूति कागज कारखाना की संतुष्टि अनुसार स्वच्छ स्थिति में रखेगा। वह कर्मचारी सरकार या केन्द्रीय लोक निर्माण विभाग द्वारा जारी अनुदेशों के विरुद्ध कोई पेड़ भाड़ी या पौधा नहीं उगाएगा न ही सक्षम प्राधिकारी या केन्द्रीय लोक निर्माण विभाग को लिखित में पूर्व अनुमति के सिवाए बाग, आंगन या चार दीवार में मौजूदा पेड़ या भाड़ी को न तो काटेगा और न ही उनकी कांट-छाट करेगा ।

इस नियम के उल्लंघन में लगाए गए पेड़ लगाना या बनस्पति संबंधित कर्मचारी के जोखिम और लागत पर सक्षम प्राधिकारी या केन्द्रीय लोक निर्माण विभाग द्वारा हटाए जावेंगे ।

(2) कोई पशु, भेड़ बकरी, सुअर या अन्य कोई जानवरों जिससे आवासों और परिसर की सफाई पर प्रतिकूल प्रभाव पड़ने से पछोंसी आवासों में रहने वालों के लिए परेशानी का कारण बनने की संभावना हो, आवासों और परिसरों के भीतर नहीं पाला जावेगा ।

18. आवासों को किराए पर देना और उसमें भागी-दारी करना:—(1) कोई भी कर्मचारी इन नियमों के तहत आवासों के आवंटन के लिए पान्न प्रतिभूति कागज कारखाना में कार्यरत कर्मचारियों के अतिरिक्त उसे आवंटित आवास आउट शाउस, गैरिज, साज-भासान की किसी के साथ भागीदारी नहीं करेगा ।

आबंटी के नौकरों के आवास सहित सर्वेन्ट क्वार्टरों आउट हाउसों, गैरजों आदि को बेबल निर्धारित उद्देश्यों के लिए ऐसे ही किसी अन्य उद्देश्य के लिए प्रयोग किया जावेगा जैसा कि सक्षम प्राधिकारी द्वारा अनुमति दी गई है।

(2) कोई भी कर्मचारी अपना पूरा आवास किराए पर नहीं देगा परन्तु यह कि आवास पर जाने वाला कोई कर्मचारी सक्षम प्राधिकारी की अनुमति से नियम 9(2) में निर्दिष्ट अवधि के लिए बेमर टेकर के रूप में सरकार आवास में भागीदारी करने के लिए पात्र किसी अन्य कर्मचारी को आवास में रख सकता है लेकिन यह अवधि 6 महीने से अधिक नहीं होनी चाहिए।

(3) कोई कर्मचारी जो अपने आवास में हिस्सेदारी करता है या उसे किराए पर देता है तो वह ऐसा अपने स्वयं के जोखिम और उत्तरवायित्व पर करेगा और आवास के संबंध में देय लाइसेंस फीस और आवास का या उसके आहते या मैदान या सरकार द्वारा उसमें उपलब्ध कराई गई सेवाओं में टूट-फूट से परे होने वाली हानि के संबंध में वैयक्तिक रूप से उत्तरवायी होगा।

19. नियम उल्लंघन का परिणाम :—नियमों और शर्तों का उल्लंघन करने का परिणाम यदि कोई कर्मचारी, जिसे आवास आबंटन किया है, अनाधिकृत रूप से आवास को किराए पर देता है या भागीदारी से उस दर पर लाइसेंस फीस बसूल करता है जिसे सक्षम प्राधिकारी अधिक समझता है या आवास के किसी भाग में अनाधिकृत ढोका खड़ा करता है या आवास या उसके किसी भाग को उस उद्देश्य के अलावा किसी अन्य उद्देश्य के लिए प्रयोग करता है जिसके लिए वह आशान्वित है या बिजली या पानी के कनेक्शन में हेर-फेर करता है या इस प्रभाग के नियमों या आबंटन की शर्तों का उल्लंघन करता है या किसी ऐसे उद्देश्य के लिए आवास या परिसर का प्रयोग करता है या अनुमति देता है या आवास परिसर को इस्तेमाल करने वेता है, जिसे सक्षम प्राधिकारी अनुचित समझे या स्वयं ऐसा स्थवर्हार करता है जो उसकी राय में उसके पड़ोसियों के साथ सद्भावपूर्ण संबंधों के लिए प्रतिकूल है या आबंटन को हासिल करने के लिए किसी आवेदन या लिखित विवरण में जानबूझकर गलत जानकारी देता है तो सक्षम प्राधिकारी उसके विरुद्ध की जा सकने वाली किसी अनुशासनिक कार्यवाही पर प्रतिकूल प्रभाव डाले बिना उसके आवास का आबंटन रद्द कर सकता है।

स्पष्टीकरण :—(1) इस उप नियम में 'कर्मचारी' अभियांत्रित में, जब तक कि संवर्ग में अन्यथा अपेक्षित न हो, उसके परिवार का कोई संवर्ग और कर्मचारी के जरिए दावा करने वाला कोई व्यक्ति शामिल है।

(2) यदि कोई कर्मचारी उसे आबंटित कोई आवास या उसका कोई भाग, या कोई आउट हाउस, गैरज उसके आनुषंगिक निर्माण को, इन नियमों का उल्लंघन करके किराए पर देता है, तो उससे उसके विरुद्ध की जा रही सकने वाली किसी अन्य कार्रवाई पर प्रतिकूल प्रभाव, डाले बिना एफ.आर.-45-के तहत मानक लाइसेंस शुल्क से थड़ा हुआ लाइसेंस

शुल्क, जो चार गुने से अधिक नहीं होगा, बसूला जा सकता है। बसूली जाने वाली लाइसेंस शुल्क मात्रा तथा यह अवधि जिसके लिये वह बसूली जानी है, प्रत्येक मामले में सक्षम प्राधिकारी द्वारा गुणावगुण आधार पर निर्णय लिया जावेगा। इसके अतिरिक्त, कर्मचारी को अविष्य में किसी विनिर्दिष्ट अवधि के लिये जैसा सक्षम प्राधिकारी द्वारा निर्णय लिया जाये आवास में भागीदारी करने में रोका जा सकता है।

(3) जहां आबंटी द्वारा परिसर को अनाधिकृत रूप से किराए पर देने के कारण आबंटन रद्द करने का निर्णय लिया गया है तो आबंटी और उसमें उसके साथ रहने वाले अन्य व्यक्ति को परिसर खाली करने के लिये 60 दिन की अवधि प्रदान की जायेगी। आबंटन परिसर के खाली होने की तारीख से या आबंटन के रद्द होने के आदेश की तारीख से रद्द माना जायेगा और आबंटी के आबंटन रद्द होने की तारीख से बाजार दर पर किराया बसूल किया जावेगा।

(4) जहां पड़ोसियों के साथ सौहार्दपूर्ण संबंध बनाने के प्रतिकूल आवरण के कारण आवास रद्द किया गया है। वही सक्षम प्राधिकारी के विवेकाधिकार पर कर्मचारी को किसी अन्य स्थान पर उस श्रेणी में कोई अन्य आवास आबंटित किया जा सकता है।

नियमों तथा शर्तों के उल्लंघन के परिणाम :—(5) निम्नलिखित के लिए महाप्रबन्धक सक्षम होंगे :—(क) उपरोक्त उप नियम 1 से 4 में वर्णित कोई या सभी कार्यवाही करने के लिए।

(ख) प्रधिकारी को उतकी शेष सेवाकाल में आवास आबंटन के लिए अपात्र घोषित करने के लिए।

(ग) संबद्ध नियमों के प्रनुसार गंभीर दण्ड देने के लिए प्रधिकारी के मंदालय या विभाग आवश्यक प्रनुशासनात्मक कार्यवाही करने के लिए सूचना देने के लिए।

6. जहां उप-महाप्रबन्धक या प्रशासनिक प्रधिकारी द्वारा इस नियम के तहत कोई दण्ड लगाया गया हो वह प्रभावित व्यक्ति दण्ड के आदेशों की प्राप्ति के 60 दिन के भीतर महाप्रबन्धक को अभ्यावेदन प्रस्तुत कर सकता है। परन्तु वह कि यह दण्ड महाप्रबन्धक द्वारा लगाया गया है तो अपी केन्द्रीय सरकार के पास दायर की जावेगी।

7. दण्ड दिए जाने का मूल आदेश तब तक लागू रहेगा जब तक कि उसे निवेदन के कालस्वरूप संशोधित अथवा रद्द नहीं कर दिया जावेगा।

20. आबंटन के रद्द होने के बाद भी आवास में रहना :—अगर, इन नियमों में निहित किसी भी उपबन्ध के नहीं कोई आबंटन रद्द हो जाता है, या रद्द माना जाता है तब भी यदि वह कर्मचारी जिसे यह आबंटित किया गया था

या कोई व्यक्ति जिसने उसके जरिये घर प्राप्त किया है, के कब्जे में आवास है या रहा है, तो वह कर्मचारी आवास, फर्नीचर और बाग के प्रयोग और अधिग्रहण के लिये सरकार द्वारा समय-समय पर निर्धारित बाजार लाइसेंस शुल्क के बराबर प्रभार या उसके द्वारा अदा की जाने वाली लाइसेंस शुल्क का दुगुना जो भी अधिक हो, की क्षतिपूर्ति पूर्ण अदा करने का उत्तरदायी होगा, परन्तु कोई कर्मचारी जो एफ.आर. 45-क के अन्तर्गत शुल्क मानक लाइसेंस शुल्क या एफ.आर. 45-क के तहत सामूहिक मानक लाइसेंस शुल्क के दुगुने, जो, भी अधिक हो, के भुगतान पर एस.आर. 317-एसपीएम-510-(2) के तहत स्वीकृत अधिकारी के बाद कम से कम 6 महीने तक आवास को रख सकता है किन्तु यह राशि कर्मचारी द्वारा अंतिम बार प्राप्त की गई परिलिंग्धियों (जैसा कि एफ.आर. 45-क के तहत परिभाषित किया गया है) 30% से अधिक नहीं होनी चाहिये। ऐसे कर्मचारी से उस आवास और सेवा के संबंध में उससे प्राप्त लाइसेंस शुल्क और अन्य प्रभारों के लिए एस.पी.एम. में कार्यरत एक स्थायी सरकारी कर्मचारी से एक जमानती के साथ एस.पी.एम. को इस संबंध में एक प्रतिभूति बॉण्ड प्रस्तुत करेगा। ऐसे कर्मचारी के मामले में, जो एफ.आर. 45-क के तहत दुगुना मानक लाइसेंस शुल्क या एफ.आर. 45-क के तहत दुगुना सामूहिक मानक लाइसेंस शुल्क या उस लाइसेंस शुल्क जो वह अदा कर रहा था से धुगाना लाइसेंस शुल्क जो भी अधिकतम हो, के भुगतान करने पर उसी अधिकारी के लिए आवास को रखने की अनुमति दी जा सकती है।

21. इन नियमों को जारी करने से पहले किए गए आवंटनों को जारी रखना:—किसी आवास का आवंटन जो इन नियमों के लागू होने से तकाल पूर्व किया गया था, इन बातों के अतिरिक्त, इन नियमों के तहत किया गया आवंटन माना जावेगा कि जिस कर्मचारी को यह किया गया है वह एस.आर. 317-एस.पी.एम.-5 के तहत उस टाइप के आवास के लिए प्राधिकृत है तथा इन नियमों के सभी पूर्ववर्ती प्रावधान तदनुसार उस आवंटन और कर्मचारी के संबंध में लागू होंगे।

22. नियमों की व्याख्या:—यदि इन नियमों की व्याख्या के संबंध में कोई प्रश्न उठाता है तो इसे केन्द्रीय सरकार के पास निर्णय के लिए भेजा जावेगा।

23. नियमों में छूट:—केन्द्र सरकार, ऐसे कारणों से जिहें सिखित में खर्च किया जावेगा, किसी कर्मचारी या अन्वासीय कर्मचारियों की श्रेणी या आवासों के टाइप के मामले में इन नियमों के सभी या किसी उपबंध में छूट दे सकती है।

24. शक्तियों और कार्यों का प्रत्यायोजन:—केन्द्र सरकार, इन नियमों द्वारा प्रदत्त की गई अवनीं कोई या गमी शक्तियों को उनके नियंत्रण में किसी प्रथा प्रतिवाद की

उन शर्तों जिन्हें वह लागू करना उचित समझे के अध्याधीन सौंप सकती है।

[सं.ए.-8/6/88-करेसी-1(एस.पी.एम.)]
आर.के. मारो, अध्यक्ष सचिव (करेसी-1)

(Security Paper Mill, Hoshangabad)

New Delhi, the 6th May, 2002

S.O. 1783.—In pursuance to the provisions of Rule 45 of the Fundamental Rules, the President of India hereby makes the following rules for allotment of residences to the employees of Security Paper Mill, Hoshangabad (Madhya Pradesh), namely :—

1. Short title, commencement and application.—(1) These rules may be called the Allotment of Government Residences (Security Paper Mill, Hoshangabad) Rules, 2002.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall apply to the allotment of all residences situated at the premises of the Security Paper Mill, Hoshangabad, under the administrative control of the General Manager.

2. Definition.—In these rules, unless the context otherwise requires :—

(a) "Allotment" means the grant of a licence to occupy a residence in accordance with provisions of these rules :

(b) "Allotment Year" means the year beginning on the 1st January or such other period as may be notified by the President.

(c) "Eligible Office" means the office of the Mill, the staff of which including those working in the Accounts Unit has been declared by the General Manager as eligible for residence under these rules ;

(d) "Emoluments" means the emoluments as defined in Fundamental Rules FR 9(21) (a) (i) including stagnation increment but does not include the compensatory allowance, the dearness pay and Non-Practising Allowance,

Explanation : In case of an employee who is under suspension, the emoluments drawn by him/her on the 1st day of the allotment year in which he/she is placed under suspension, or if he/she is placed under suspension on the 1st day of the allotment year, the emoluments drawn by him/her immediately before that date shall be taken as emoluments ;

(e) "Family" means the wife or husband, as the case may be, and children, step children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the employee ;

- (f) "General Manager" means the General Manager, Security Paper Mill, Hoshangabad and includes Manager (Personnel) ;
- (g) "Government" means the Central Government ;
- (h) "Group" in relation to an employee means the group of residence to which he/she is eligible under rule-5 ;
- (i) "Licence Fee" means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these rules ;
- (j) "Mill" means the Security Paper Mill, Hoshangabad (MP) ;
- (k) "Priority Date" of an officer in relation to a type of residence to which he is eligible under the provisions of rule-5, means the earliest date from which he has been continuously drawing emoluments relevant to a particular type or a higher type is a post under the Central Government or State Government or on foreign service, except for periods of leave in respect of type V(A) to type VIII accommodation, single and double room hostel accommodation and the date from which he has been continuously in service under the Central Government or State Government including the period of foreign service in respect of Types I to IV accommodation, and accommodation in Working Girl Hostel :

Provided that where the priority date of two or more officers is the same, seniority among them shall be determined by the emoluments the officer in receipt of higher emoluments taking precedence over the officer in receipt of lower emoluments; where the emoluments are equal, by the length of service and where both the emoluments and length of service are equal on the basis of the scale of pay of the officer, the officer working in a post having higher scale of pay taking precedence over the officer in receipt of lower scale of pay ;

- (l) "Residence" means any residence for the time being under the administrative control of the General Manager ;
- (m) "Sub-letting" includes sharing of accommodation by an allottee with another person with or without payment of rent by such other person ;

Explanation : Any sharing of accommodation by an allottee with close relations shall not be deemed to be sub-letting. The question whether a person is a close relation or not shall be decided by the General Manager ;

- (n) "Temporary Transfer" means a transfer which involves an absence from the eligible office for a period not exceeding four months ;
- (o) "Transfer" means transfer from the eligible office to any other office or vice-versa ;

3. Allotment to house owning Officers.—(1) In this rules ;—

- (a) "Adjoining Municipality" means any municipality contiguous to a local municipality ;
- (b) "House" in relation to an officer or member of his/her family means a building or part thereof used for residential purposes and situated within the jurisdiction of a local municipality or of any adjoining municipality ;

Explanation : A building, part of which is used for residential purposes, shall be deemed to be a house for the purpose of this clause notwithstanding that any part of it is used for non-residential purposes ;

- (c) "Local Municipality" in relation to an officer means the municipality within whose jurisdiction his office is located ;
- (d) "Member of Family" in relation to an officer means the wife or husband, as the case may be, or a dependent child of the officer ;
- (e) "Municipality" includes a municipal corporation a municipal committee or board, a town area committee, a notified area committee and a cantonment board.

(2) An officer owning a house either in his/her name or in the name of any member of his/her family at the place of his/her duty or in an adjoining municipality shall be eligible for allotment of Government residence on payment of licence fee for the Government accommodation allotted to him/her at such rates as may be determined from time to time by the Government.

(3) When after a Government residence has been allotted to an Officer, he/she or any member of his/her family becomes owner of a house at the place of his/her duty or in an adjoining municipality, such officer shall notify the fact to the General Manager within a period of one month from the date of one month from the date the house is let out or occupied, or the date of completion, whichever is earlier.

4. Allotment to husband and wife, eligibility, in case of officers who are married each other.—(1) No employee shall be allotted a residence under these rules if the wife or the husband, as the case may be, has already been allotted a residence unless such residence is surrendered provided that this sub-rule shall not apply where the husband wife are residing separately in pursuance of an order of judicial separation made by any Court.

(2) Where two employees in occupation of separate residences allotted under these rules marry each other, they shall within one month of the marriage, surrender of the residence.

(3) If a residence is not surrendered as required by sub-rule (2), the allotment of the residence of the lower group, shall be deemed to have been cancelled on the expiry of such period of one month and if the residences are of the same group, the allotment of one of them, as the General Manager may decide, shall be deemed to have been cancelled on the expiry of such period.

(4) Where both husband and wife are employed under the Central Government, the title of each of them to allotment of a residence under these rules shall be considered independently.

(5) Notwithstanding anything contained in sub-rules (1) to (4),—

(a) If a wife or husband, as the case may be, who is an allottee of a residence under these rules, is subsequently allotted, a residential accommodation at the same station from a pool to which these rules do not apply, she or he, as the case may be, shall surrender any of the residence within one month of such allotment.

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation by any Court.

(b) Where two officers, in occupation of separation residences at the same station, one allotted under these rules and another from a pool to which these rules do not apply, marry each other, any of them shall surrender any of the residences within one month of such marriage;

(c) If a residence is not surrendered as required under clause (a) or clause (b), the allotment of the residence in the general pool be deemed to have been cancelled on the expiry of such period.

5. Classification of residences.—Save as otherwise provided in these rules, the existing residences specified in Col. 1 of the table below are re-classified as in Col. 2 and shall be allotted to employees whose emoluments on the first January of the allotment year are as shown in the corresponding entries in Col. 3 thereof :—

Existing Residences	Re-classified as	Entitlement
1	2	3
Type A	A	Less than Rs. 3050
Type G, II & A	A 1	Rs. 3050 to Rs. 5499
Type III, B & F	B	Rs. 5500 to Rs. 8499

1	2	3
Type E, IV & C	C	Rs. 8500 to Rs. 11999
Type V, D-II & D D		Rs. 12000 to Rs. 15099
Type C-I (3 Nos.)		Earmarked for General Manager and Deputy General Managers.
Type C-II (2 Nos.)		Earmarked for Chief Engineer, Works Manager and Managers in the scale of Rs. 12000 to 15999.

6. Application for Allotment.—(1) Every Government Servant in occupation of Government Accommodation shall submit his application in such form and manner and by such date, as may be specified by the General Manager in this behalf.

(2) In the case of officers not in occupation of Government Accommodation, the General Manager shall invite application in such form and manner and before such date as may be specified by him.

(3) An officer joining duty in Hoshangabad on his first appointment or on transfer may submit his application to the General Manager within a month of his joining date.

(4) Applications received under sub-rule (3) on or before the last day of a calendar month shall alone be considered for allotment in succeeding month.

7. Allotment of Residence and Offers.—(1) Save as otherwise provided in these rules, a residence falling vacant will be allotted by the General Manager preferably to an applicant desiring a change of accommodation in that type under the provisions of rule-13 and if not required for that purpose, to an applicant without accommodation in that type having the earliest priority date for that type of residence subject to the following conditions :—

- (i) The General Manager shall not compel any applicant to accept a residence of a lower type than that to what he is eligible under rule-5.
- (ii) The General Manager, on request from an applicant for allotment of a lower type residence might allot to him a residence next below the type for which the applicant is eligible under rule-5 on the basis of his priority date for the same.

(2) The General Manager may cancel the existing allotment of an officer and allot to him an alternate residence of the same type or in emergent circumstances an alternative residence of the type next below the type of residence in occupation of the officer if the residence in occupation of the officer is required to be vacated.

(3) A vacant residence may, in addition to allotment to an officer under sub-rule(I) above, be offered simultaneously to other eligible officers in order of their priority dates.

8. Non-acceptance of allotment or offer or failure to occupy the allotted residence after acceptance.—(1) If any officer fails to accept the allotment of a residence within five days or fails to take possession of that residence after acceptance within eight days

from the date of receipt of the letter of allotment, he shall not be eligible for another allotment letter.

(2) If an officer occupying a lower type of residence is allotted or offered a residence of the type for which he is eligible under rule-5, he may, on refusal of the said allotment or offer of allotment, be permitted to continue in the previously allotted residence on the following conditions :—

(a) That such an officer shall not be eligible for another allotment for the remaining part of the allotment year in which he has declined the allotment or offer.

(b) While retaining existing residence, he shall be charged the same licence fee which he would have paid under FR-45-A in respect of the residence so allotted or the licence fee payable in respect of the residence already in his occupation, whichever is higher.

9. Period for which allotment subsists and the concessional period for further retention.—(1) An allotment shall be effective from the date on which it is accepted by the Officer and shall continue in force until,

(a) The expiry of the concessional period permissible under sub-clause (2) after the Officer ceases to be on duty in an eligible officer in Hoshangabad;

(b) It is cancelled by the General Manager or is deemed to have been cancelled under any provisions in these rules;

(c) It is surrendered by the Officer; or

(d) The officer ceases to occupy the residence.

(2) A residence allotted to an officer may, subject to sub-rule (3) be retained on the happening of any of the events specified in column 1 of the table below for the period specified in the corresponding entry in column 2 thereon provided that the residence is required for the bonafide use of the officer or members of his family :

Events	Permissible Period for Retention of the residence
(1)	(2)
(i) Resignation, dismissal or removal from service, termination of service or unauthorised absence without permission	1 month
(ii) Retirement or terminal leave	2 months on normal licence fee and another 2 months on double the notrmal licence fee.
(iii) Death of the allottee	12 months
(iv) Transfer to a place outside Hosangabad (MP)	12 months

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(v) Transfer to an ineligible office in Hoshangabad (MP)	2 months
(vi) On proceeding on foreign service in India	2 months
(vii) Temporary transfer in India or transfer to a place outside India	2 months
(viii) Leave (other than leave preparatory to retirement, refused leave, terminal leave, medical leave, maternity leave or study leave)	For the period of leave but not exceeding four months.
(ix) Leave preparatory to retirement or refused leave granted under FR 86.	For the period of maternity leave plus leave granted in continuation subject to a maximum of five months.
(x) Study leave in or outside India	For the full period of leave on full average pay subject to a maximum 180 days in the case of leave preparatory to retirement and four months in other cases, inclusive of the period permissible in the case of retirement.
Or Earned Leave granted to Govt. Servant who retired under FR 56(j).	
(xi) Deputation outside India	For the period of deputation not exceeding six months.
(xii) Leave on medical grounds	Full period of leave.
(xiii) On proceeding on training	For full period of training.

EXPLANATION : Wherever an officer on transfer or foreign service in India sanctioned leave and avails of it before joining duty at the next office he may be permitted to retain the residence for the period mentioned against items (iv), (v), (vi), and (vii) or for the period of leave, whichever is more.

Explanation II—Where an order of transfer or foreign service in India is issued to an officer while he is already on leave, the period permissible under Explanation-I shall count from the date of issue of such order.

(3) Where a residence is retained under sub-rule (2), the allotment shall be deemed to be cancelled on expiry of admissible concessional unless immediately on the expiry thereof the officer resumes duty in an eligible office in Hoshangabad (MP).

(4) Where an officer is on medical leave without pay and allowances, he may retain his residence by virtue of the concession under item (xii) of the table below sub-rule (2) provided he remits the licence fee for such residence in cash every month and where he fails to remit such licence fee for more than two months, the allotment shall stand cancelled.

(5) An Officer who has retained the residence by virtue of the concession under item (I) or item (II) of the table below sub-rule (2) shall on re-employment in an ineligible office, within the period specified in the said table, be entitled to retain that residence under these rules :

Provided that if the emoluments of the officer on such re-employment do not entitle him to the type of the residence occupied by him, he shall be allotted a lower type of residence.

(6) Notwithstanding anything contained in sub-rule (2) or sub-rule (3) or sub-rule (4) when an officer is dismissed or removed from service or when his services have been terminated and the Head of the Department in respect of the office in which such officer was employed immediately before such dismissal, removal or termination is satisfied that it is necessary or expedient in the public interest so to do he may require the General Manager to cancel the allotment of the residence made to such officer either forthwith or with effect from such date prior to the expiry of the period of one month referred in item (I) of the table below sub-rule (2) as he may specify the General Manager shall act accordingly.

10. Provisions relating to licence fee.—(1) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for licence fee shall commence from the date of occupation or the eighth day of the date of receipt of the allotment, whichever is earlier.

An Officer who, after acceptance, fails to take possession of that accommodation within eight days from the date of receipt of the allotment letter shall be charged licence fee from such date upto a period of twelve days, provided that nothing contained herein shall apply where the Central Public Works Department certifies that the accommodation is not fit for occupation and as a result thereof the officer does not occupy the accommodation within the period aforesaid.

(2) Where an officer, who is in occupation of a residence is allotted another residence and he occupied new residence, the allotment of former residence shall be deemed to be cancelled from the date of occupation he may, however, retains the former residence on payment of normal licence fee thereof for a period of 8 days for shifting to the allotted accommodation in change :

Provided if the former residence is not vacated within 8 days as aforesaid, the officer will be liable to pay damages for use and occupation of the said residence furniture and garden charges as may be determined by Government from time to time with effect from ninth day from the acceptance of the new residence.

11. Personal liability of the officer for payment of licence fee till the residence is vacated and furnishing of surety by temporary officers.—(1) The officer to whom a residence has been allotted shall be personally liable for the licence fee and for any damage beyond fair, wear and tear caused thereto or to the furniture, fixture or fittings or services provided thereby by Government during the period for which the residence has been and remains allotted to him, or where the allotment has been cancelled under any of the provisions in these rules, until the residence along with the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to Government.

(2) Where the officer to whom a residence has been allotted is neither a permanent nor a quasi-permanent servant he shall execute a security bond in the form prescribed in this behalf by the Central Govt. with a surety who shall be a permanent Govt. Servant under the Central Govt. for due payment of licence fee and other charges due from him in respect of such residence and any other residence provided in lieu.

(3) If the surety ceases to be in Government service or becomes insolvent or ceases to be available

for any other reasons the officer shall furnish a fresh bond executed by an other surety within thirty days from the date of his acquiring knowledge of such event or fact ; and if he fails to do so, the allotment of the residence to him shall, unless otherwise decided by the General Manager, be deemed to have been cancelled with effect from that date of that event.

12. Surrender of an Allotment and Period of Notice.—(1) An officer may at any time surrender an allotment by giving intimation so as to reach the General Manager at least two days before the date of vacation of the residence. The allotment of the residence shall be deemed to have been cancelled with effect from the eleventh day after the day on which the letter is received by the General Manager or the date specified in the letter whichever is later. If he fails to give due notice he shall be responsible for payment of licence fee for ten days or the number of days by which the notice given by him fails short of ten days, provided that the General Manager may accept a notice for a short period.

(2) An officer who surrenders the residence under sub-rule (1) shall not be considered again for allotment of Govt. accommodation at the same station for a period of one year from the date of such surrender.

13. Change of Residence.—(1) An officer to whom a residence has been allotted under these rules may apply for a change to another residence of the same type or a residence of the type to which he is eligible under rule 5, whichever is lower. Not more than one change shall be allowed in respect of one type of residence allotted to the officer.

(2) An officer who intends to change the accommodation already allotted to him shall make application in the prescribed form to the General Manager. After acceptance by the competent authority the name of the Applicant shall be included in the computerised waiting list. The inter-seniority of the Applicant so included, shall be determined on first come first served basis.

(3) Change shall be offered in order of seniority determined in accordance with sub-rule (2) and having regard to the officer's preference as far as possible :

(Provided that no change of residence shall be allowed during a period of six months immediately proceeding the date of superannuation).

(4) If an officer fails to accept a change of residence offered to him within five days of the issue of such offer or allotment, he shall not be considered again for a change of residence of that type.

(5) An officer who, after accepting a change of residence fails to take possession of the same, shall be charged licence fees for such residence in accordance with the provisions of sub rule (1) of rule-10 in addition to the normal licence fee under FR-45-A for the residence already in his possession the allotment of which shall continue to subsist.

14. Change of Residences in the event of death of Member of the family.—Notwithstanding anything contained in rule 13, an officer may be allowed a change of residence on the death of any member of his family if he applies for a change within three months of such occurrence, provided that the change will be given in the same type of residence and on the same floor as the residence already allotted to the officer.

15. Mutual Exchange of Residences.—Officers to whom residences of the same type have been allotted under these rules may apply for permission to mutually exchange their residences. Permission for mutual exchange may be granted if both the officers are reasonably expected to be on duty in Hoshangabad (MP) and to reside in their mutually exchanged residences for at least six months from the date of approval of such exchange.

16. Transfer to Non Family Stations.—If an officer is transferred to a station where he is not permitted or advised by Government to take his family with him and the residence allotted to him under these rules is required by the family for the bonafide educational needs of his children he may be allowed, on request to retain the residence on payment of licence fee under FR-45-A till the end of current academic session of his children in Hoshangabad.

17. Maintenance of Residence.—(1) The officer to whom a residence has been allotted shall maintain the residence and premises in a clean condition to the satisfaction of the Central Public Works Department and the Municipality, as the case may be. Such officer shall not grow any tree shrubs or plants contrary to the instructions issued by the Government or Central Public Works Department nor cut or lop off any existing tree or shrubs in the garden, courtyard or compound attached to the residences save with the prior permission in writing of the Central Public Works Department, trees, plantation or vegetation, grown in contravention of this rule may be caused to be removed by the Directorate of Horticulture at the risk and cost of the officers concerned.

(2) Officers to whom the residences have been allotted shall not keep cattles, pigs, pets etc. without prior approval of the General Manager.

18. Subletting and sharing of residences.—(1) No Officer shall share the residence allotted to him or any of the out-houses, garages and stables appurtenant thereto except with the employees of the Central Government eligible for allotment of residence under these rules. The servant quarters, out-houses, garages and stables may be used only for the

bona fide purposes including residences of the servants of the allottee or for such other purpose as may be permitted by the General Manager.

(2) No Officer shall sublet the whole of his residence.

(3) Provided that an Officer proceeding on leave may accommodate in the residence any other officer eligible to share Government accommodation, as a caretaker, for the period specified in rule 9(2), but not exceeding six months.

(4) Any Officer who shares or sublets his residence shall do so at his own risk and responsibility and shall remain personally responsible for any licence fee payable in respect of the residence and for any damages caused to the residence or its precincts or grounds and services provided therein by Government beyond fair wear and tear.

19. Consequences of Breach of Rules and Conditions.—
(1) If an Officer to whom a residence has been allotted unauthorisedly sublets the residence on charges (licence fee) from the sharer at a rate which the General Manager consider excessive or erects any unauthorised structure in any part of the residence or uses the residences or any portion thereof for any purposes other than that for which it is meant for tampers with the electric or water connection or commits any other breach of the rules in this Division or of the terms and conditions of the allotment or uses the residences or premises or permits or suffers the residence or premises to be used for any purpose which the General Manager considers to be improper or conducts himself in a manner which in his opinion is prejudicial to the maintenance of the harmonious relations with the neighbours or has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment, the General Manager may without prejudice to any other disciplinary action that may be taken against him, cancel the allotment of the residence.

EXPLANATION : In this sub rule, the expression 'Officer' includes unless the context otherwise required, a member of his family and any person claiming through the Officer.

(2) If an officer sublets a residence allotted to him or any portion thereof or any of the out-houses, garages or stables appurtenant thereto, in contravention of these rules, he may without prejudice to any other action that may be taken against him, be charged enhanced licence fee of ten times of the flat rate of licence fee.

(3) Where action to cancel the allotment is taken on account of unauthorised subletting of the premises by the allotment period for sixty days shall be allowed to the allottee and other person residing with him therein to vacate the

premises. The Allotment shall be cancelled with effect from the date of vacation of the premises from the date of orders or the cancellation of the allotment, whichever is earlier. Further, for any overstaying after the date of cancellation of allotment, damage rent as per rules shall be charged.

(4) Where the allotment of a residence is cancelled for conduct prejudicial to the maintenance of harmonious relation with neighbours, the officer at the discretion of the General Manager may be allotted another residence in the same class at any other place.

(5) The General Manager shall be competent to :—

- (a) take all or any of the actions provided under sub rules 1 to 4 above;
- (b) declare the officer to be ineligible for allotment of residential accommodation for the remaining period of his service;
- (c) intimate to the Ministry or Department of the officer for initiating disciplinary proceedings for major penalty under the relevant rules.

(6) Where any penalty under this rule is imposed by any officer of the rank of the Deputy General Manager, the aggrieved person, may within sixty days of the receipt of the orders by him or his employer imposing the penalty, file a representation to the General Manager.

(7) The original order imposing the penalty shall stand unless it is modified or rescinded as a result of the representation.

20. Overstaying in residence after cancellation of allotment.—Where, after an allotment has been cancelled or is deemed to have been cancelled under any provisions contained in these rules, the residence remains or has remained in occupation of the officer to whom it was allotted or any person claiming through, such officer shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charged, as may be determined by government from time to time, or twice the licence fee he was paying, whichever is higher;

Provided that an officer, who was paying licence fee under FR-450-A, in special cases, except in case of death, be allowed by the General Manager, to retain a residence for a period not exceeding six months beyond the period standard licence

fee under FR-45-A or twice the pooled standard licence fee under FR-45-A whichever is higher but not exceeding 30 per cent of the emoluments (as declined under FR-45-C3 last drawn by the officer). In case of an officer who was not paying licence fee under FR-45-A, he may be allowed to retain the residence for the same period on payment of twice the standard licence fee under FR-45-A or twice the licence fee that he was paying whichever is higher:

Provided further that in the event of retirement of terminal leave, the allottee shall be eligible to retain the government accommodation for a further of twelve months on payment of four times of the normal licence fee and subsequent two months on payment of six times of the normal licence fee for special reasons involving medical/educational grounds, subject to appropriate certification by the authorities concerned;

Provided also that an officer in special cases, except in case of death may be allowed by General Manager to retain a residence for a period not exceeding six months beyond the period permitted under rule-9(2), on payment of twice the flat rate of licence fee or twice the licence fee he was paying whichever is higher;

Provided also that in the event of death of the allottee, his/her family shall be eligible to retain the Government Accommodation for a further period of one year on payment of normal licence fee. The extended period of retention shall not be allowed in cases where the deceased officer or his/her dependent owns a house at the place of posting.

21. Continuance of allotment made prior to the issue of these rules.—Any valid allotment of residence which is subsisting immediately before the commencement of these rules under the rules then in force shall be deemed to be an allotment duly made under these rules notwithstanding that the officer to whom it has been made is not entitled to a residence of that type under rule 5 and all the preceding provisions of these rules shall apply in relation to that allotment and that officer accordingly.

22. Interpretation of Rules.—If any question arises as to the interpretation of the rules in this Division, it shall be referred to the Central Government for its decision.

23. Relaxation of Rules.—The Government may for reasons to be recorded in writing relax all or any of the provisions of the rules in case of any officer or class of officers.

24. Delegation of Powers.—The Government may delegate any or all of the powers conferred upon it by the rules in this Division to any officers, under its control, subject to such conditions as it may deem fit to impose.

[F. No. A-8/6/88-Cy. I(SPM)]
R. K. MAGGO, Under Secy. (Cy. I)

(वैकारी प्रभाग)

नई दिल्ली, 14 मई, 2002

का.आ. 1784.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 9 के उपखण्ड (1) एवं 2(क) के साथ पठित बैंकारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एकदारा इंडियन ओवरसीज बैंक अधिकारी संघ के अधिकारी, श्री के. आनन्द कुमार, एमएमजी-II श्रीर संयुक्त महासचिव (बैंक की पेटर्स रोड शाखा में तैनात) को 14 मई, 2002 से तीन वर्ष की अवधि के लिए और तत्पश्चात् उनका उत्तराधिकारी नामित किए जाने तक अथवा इंडियन ओवरसीज बैंक में जब तक वो अधिकारी बने रहते हैं, इनमें से जो भी पहले हो, तब तक के लिए इंडियन ओवरसीज बैंक के बोर्ड में निदेशक के पद पर नामित करती है।

[फा. सं. 9/13/2001-बी.ओ.-I]

रमेश चन्द्र, अधर सचिव

(Banking Division)

New Delhi, the 14th May, 2002

S.O. 1784.—In exercise of the powers conferred by clause (f) of sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) and (2)(a) of clause (9) of the National Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India hereby nominates Shri K. Ananda Kumar, MMG-II and Joint General Secretary, Indian Overseas Bank Officers' Association (posted at Bank's Peters Road Branch) as a Director on the Board of Indian Overseas Bank for a period of three years with effect from 14th May, 2002 and thereafter until his successor has been nominated or until he ceases to be an officer of Indian Overseas Bank, whichever is earlier. The nomination will be subject to the decision of the Mumbai High Court in writ petition No. 5394 of 2001 filed by Bank of Maharashtra Officers Association.

[F. No. 9/13/2001-B.O.I]

RAMESH CHAND, Under Secy.

नई दिल्ली, 15 मई, 2002

का.आ. 1785.—बैंकारी विनियमन अधिनियम, 1949 की धारा 53 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर यह विनियोग करती है कि बैंकारी विनियमन अधिनियम, 1949 की धारा 15 की उपधारा (1) के उपबंध सरकारी शेक्षण के बैंकों पर उस सीमा तक लाग, नहीं होंगे जहाँ तक स्वैच्छिक सेवानिवृति योजना से संबंधित व्यय को वित्तीय वर्ष 2001-2002 के लिए आस्थगित राजस्व व्यय के रूप में माने जाने से है।

[सं. 13/4/2001/बीओए]

डी. शोधरी, अधर सचिव

New Delhi, the 15th May, 2002

S.O. 1785.—In exercise of the powers conferred under Section 53 of the Banking Regulation Act, 1949, the Central Government, on the recommendations of the Reserve Bank of India, specifies that the provision of sub-section (1) of Section 15 of the Banking Regulation Act, 1949, shall not apply to the public sector banks in so far as treatment of the expenditure related to the Voluntary Retirement Scheme being treated as Deferred Revenue Expenditure, for the financial year 2001-2002.

[F. No. 13/4/2001-BOA(1)]
D. CHOUDHURY, Under Secy.

नई दिल्ली, 16 मई, 2002

का.ओ. 1786.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उपधारा (1) की व्याख्या के खंड (ड.) के मद (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा बीओबी कैपिटल मार्केट लि. नामक संस्था को जो कि कंपनी अधिनियम, 1956 (1956 का 1) के अंतर्गत कंपनी के रूप में पंजीकृत है, को पूर्वोक्त खंड के उद्देश्य के लिए वित्तीय संस्था के रूप में अधिसूचित करती है।

[सं. 13/4/2002-बीओए I]
डी. चौधरी, अवर सचिव

New Delhi, the 16th May, 2002

S.O. 1786.—In exercise of the powers conferred by item (v) of clause (e) of Explanation to Sub-section (1) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby notifies the entity known as BOB Capital Markets Ltd., being company registered under the Companies Act, 1956 (1 of 1956) as financial institution for the purpose of the aforesaid clause.

[F. No. 13/4/2002-BOA(i)]
D. CHOUDHURY, Under Secy.

नई दिल्ली, 16 मई, 2002

का.आ. 1787.—बैंकारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के खंड (ट) के साथ पठित धारा 18 की उपधारा (1) की व्याख्या के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा बीओबी कैपिटल मार्केट लि. नामक संस्था को, जो कि कंपनी अधिनियम, 1956 (1956 का 1) के अंतर्गत कंपनी के रूप में पंजीकृत है, को पूर्वोक्त खंड के उद्देश्य के लिए वित्तीय संस्था के रूप में अधिसूचित करती है।

गंत कंपनी के रूप में पंजीकृत है, को पूर्वोक्त खंड के उद्देश्य के लिए वित्तीय संस्था के रूप में अधिसूचित करती है।

[सं. 13/4/2002-बीओए(ii)]

डी. चौधरी, अवर सचिव

New Delhi, the 16th May, 2002

S.O. 1787.—In exercise of the powers conferred by clause (d) of Explanation to Sub-section (1) of Section 18 read with clause (j) of Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government hereby notifies the entity known as BOB Capital Markets Ltd. being company registered under the Companies Act, 1956 (1 of 1956) as financial institution for the purpose of the aforesaid clause.

[F. No. 13/4/2002-BOA(ii)]
D. CHOUDHURY, Under Secy.

नई दिल्ली, 16 मई, 2002

का.आ. 1788.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 42 की उपधारा (1) की व्याख्या के खंड (घ) के मद (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा बीओबी कैपिटल मार्केट लि. नामक संस्था को, जो कि कंपनी अधिनियम, 1956 (1956 का 1) के अंतर्गत कंपनी के रूप में पंजीकृत है, को पूर्वोक्त खंड के उद्देश्य के लिए वित्तीय संस्था के रूप में अधिसूचित करती है।

[सं. 13/4/2002-बीओए(iii)]
डी. चौधरी, अवर सचिव

New Delhi, the 16th May, 2002

S.O. 1788.—In exercise of the powers conferred by item (vi) of clause (d) of Explanation to Sub-section (i) of Section 42 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby notifies the entity known as BOB Capital Markets Ltd., being company registered under the Companies Act, 1956 (1 of 1956) as financial institution for the purpose of the aforesaid clause.

[F. No. 13/4/2002-BOA(iii)]
D. CHOUDHURY, Under Secy

नई दिल्ली, 23 मई, 2002

का. आ. 1789.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रबल्ल शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख में 31 मार्च, 2004 तक जिला सहकारी केन्द्रीय बैंक लि., होशंगाबाद (मध्य प्रदेश) पर लागू नहीं होंगे।

[का. सं. 1(6) 2002-एसी]

मंगल मराण्डी, अवर सचिव

New Delhi, the 23rd May, 2002

S.O. 1789.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section(1) of Section 11 of the said Act shall not apply to The Jila Sahakari Kendriya Bank Ltd., Hoshangabad (M.P.) from the date of publication of this notification in the Official Gazette to 31 March, 2004.

[F. No. 1(6) 2002-AC]

MANGAL MARNDI, Under Secy.

नई दिल्ली, 23 मई, 2002

का. आ. 1790.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रबल्ल शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2004 तक जिला सहकारी केन्द्रीय बैंक लि., नडियाड (गुजरात) पर लागू नहीं होंगे।

[का. सं. 1(7) 2002-एसी]

मंगल मराण्डी, अवर सचिव

New Delhi, the 23rd May, 2002

S.O. 1790.—In exercise of the powers conferred by Section 53 read with Section 56 of the

Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to The District Co-operative Central Bank Ltd., Medak (A.P.) from the date of publication of this notification in the Official Gazette to 31st March, 2004.

[F. No. 1(7) 2002-AC]

MANGAL MARNDI, Under Secy.

नई दिल्ली, 23 मई, 2002

का. आ. 1791.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रबल्ल शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2005 तक कैरा जिला केन्द्रीय सहकारी बैंक लि., नडियाड (गुजरात) पर लागू नहीं होंगे।

[का. सं. 1(8) 2002-एसी]

मंगल मराण्डी, अवर सचिव

New Delhi, the 23rd May, 2002

S.O. 1791.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to The Kaira District Central Co-operative Bank Ltd., Nadiad, (Gujarat) from the date of publication of this notification in the Official Gazette to 31st March, 2005.

[F. No. 1(8) 2002-AC]

MANGAL MARNDI, Under Secy.

विदेश मंत्रालय

(सी.पी.बी. प्रभाग)

नई दिल्ली, 9 मई, 2002

का.आ. 1792.—राजनयिक कोसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41 वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा भारत का राजदूतावास मैसिसको सिटी में श्री विनोद कुमार आजाद, सहायक को 09-05-2002 से सहायक कोसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं.टी. 4330/1/2002]

योगेश नारंग, उप अधिक (कानूनी)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. Division)

New Delhi, the 9th May, 2002

S.O. 1792.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Vinod Kumar Azad, Assistant in the Embassy of India, Mexico city to perform the duties of Assistant Consular Officer with effect from 9-5-2002.

[No. T. 4330/1/2002]

Y. C. NARANG, Dy. Secy (Cons)

नई दिल्ली, 9 मई, 2002

का.आ. 1793.—राजनयिक कोसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41 वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा भारत का प्रधान कोसलावास, जंजीबार में श्री पी. जया पाण्डिम सहायक को 09-05-2002 से सहायक कोसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं.टी. 4330/1/2002]

योगेश नारंग, उप सचिव (कानूनी)

New Delhi, the 9th May, 2002

S.O. 1793.—In pursuance of the Clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri P. Jeya Pazham Assistant in the Consulate General of India, Zanzibar to perform the duties of Assistant Consular Officer with effect from 9-5-2002.

[No. T-4330/1/2002]

Y. C. NARANG, Dy. Secy. (Cons.)

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 6 मई, 2002

का.आ. 1794.—राजभाषा नियम 1976 (मंथ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेल मंत्रालय (रेलवे बोर्ड), पश्चिम रेलवे के राजकोट मंडल के जामनगर स्टेशन को, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करता है।

[फा. सं. हिंदी 2001/रा.भा./1/12/2]

प्रार. के. सिंह, सचिव (रेलवे बोर्ड)

MINISTRY OF RAILWAY

(Railway Board)

New Delhi, the 6th May, 2002

S.O. 1794.—In pursuance of Sub-rule (2) and (4) of Rule 10 of the Official Language (use for the official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board) hereby notify the Jamnagar Railway Station of Rajkot Division of Western Railway, where more than 80 per cent of the officers/employees have acquired the working knowledge of Hindi.

[F. No. Hindi-2001/OL-1/12/2]

R. K. SINGH, Secy. (Railway Board)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 23 मई, 2002

का. आ. 1795.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) की धारा 6 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की नीचे दी गई अनुसूची में यथा उल्लिखित तारीखों की का० आ० अधिसूचनाओं संख्याओं द्वारा उन अधिसूचनाओं से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया था ;

और केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमियों में उपयोग का अधिकार सभी विलंगमों से मुक्त इडियन ऑयल कॉरपोरेशन लिमिटेड में निहित किया था ;

और सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दी है कि पेट्रोलियम उत्पादों के परिवहन के प्रयोजन के लिये हरियाणा राज्य में कुरुक्षेत्र से उत्तर प्रदेश राज्य में सहारनपुर तक उक्त भूमि में पाइपलाइन बिछाई जा चुकी है, अतः भूमियों में ऐसे पूर्ण किये गये प्रचालन को समाप्त किया जाए जिनका सक्षिप्त विवरण इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट किया गया है ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) नियम, 1963 के नियम 4 के स्पष्टीकरण—1 के अधीन उक्त अनुसूची के स्तम्भ 6 में उल्लिखित तारीखों को प्रचालन की समाप्ति की तारीखों के रूप में घोषित करती है।

अनुसूची

का.आ.सं. व तारीख	गांव का नाम	तहसील	जिला	राज्य	प्रदालन की समाप्ति की तारीख
1205-19.04.1999	बजीदपुर	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	सिरसमा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	बहौली	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	बीड मथाना	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	बीड मथाना	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	मथाना	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	मथाना	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	उन्टेडी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	उन्टेडी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	सोन्टी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	सोन्टी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	बीड सोन्टी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	बीड सोन्टी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	दबखेडा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	निधारसी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	यहरान	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	जैनपुर	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	बैडेचपुर	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	लाडवा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	लाडवा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	बपदा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	बपदी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	बुडा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	बुडा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	बन	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	बन	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	छलौन्दी	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1205-19.04.1999	जन्धेडा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000
1218-30.05.2001	जन्धोडा	थानेसर	कुरुक्षेत्र	हरियाणा	15 जून 2000

का.आ.सं. व तारीख	गांव का नाम	तहसील	जिला	राज्य	प्रचालन की समाप्ति की तारीख
1207-20.04.1999	खुर्द बन	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1318-15.06.2001	खुर्द बन	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	पोटली	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1318-15.06.2001	पोटली	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	ठसका खादर	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	रपडी	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1318-15.06.2001	रपडी	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	फतेहगढ़	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1318-15.06.2001	फतेहगढ़	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	रजहेडी	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1318-15.06.2001	रजहेडी	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	मन्थार	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	बरहेडी	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	लाल छपर	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1318-15.06.2001	लाल छपर	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	करहेडा	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	माजरी	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1318-15.06.2001	माजरी	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	नगला रंगड़ान	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	बुच्चा बांस	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000
1207-20.04.1999	नकूम	जगाधारी	यमुनानगर	हरियाणा	15 जून 2000

फा. सं. आर. 25011/6/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 23rd May, 2002

S. O. 1795.—Whereas, by the notifications of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. and date as mentioned in the Schedule below issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government acquired the right of user in the lands specified in the schedule appended to that notification ;

And whereas, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government vested the right of user in the said lands, free from all encumbrances in the Indian Oil Corporation Limited ;

And whereas, the Competent Authority has made a report to the Central Government that the pipeline for the purpose of transport of Petroleum products from Kurukshetra in the State of Haryana to Saharanpur in the State of Uttar Pradesh has been laid in the said lands, so the operation is complete and as such may be terminated in respect of the lands the description of which in brief is specified in the Schedule annexed to this notification ;

Now, therefore, as required under explanation -1 of rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Central Government hereby declares the dates mentioned in column 6 of the said Schedule as the date of termination of operation.

SCHEDULE

S.O. No. & Date	Name of Village	Tehsil	District	State	Date of Termination of Operation
1205-19.04.1999	Bajidpur	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Sirsama	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Baholi	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Bir Mathana	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Bir Mathana	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Mathana	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Mathana	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Untehri	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Untehri	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Seonti	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Seonti	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Bir Seonti	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Bir Seonti	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Dabkhera	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Niawarsi	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Bahran	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Zain Pur	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Barech Pur	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Ladwa	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Ladwa	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Bapda	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Bapdi	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Budha	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Budha	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Ban	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Ban	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Chhalaundi	Thanesar	Kurukshetra	Haryana	15th June 2000
1205-19.04.1999	Jandhera	Thanesar	Kurukshetra	Haryana	15th June 2000
1218-30.05.2001	Jandhera	Thanesar	Kurukshetra	Haryana	15th June 2000

S.O. No. & Date	Name of Village	Tehsil	District	State	Date of Termination of Operation
1207–20.04.1999	Khurdban	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1318–15.06.2001	Khurdban	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Potli	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1318–15.06.2001	Potli	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Thaska Khadar	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Rapri	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1318–15.06.2001	Rapri	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Fatehgarh	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1318–15.06.2001	Fatehgarh	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Rajheri	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1318–15.06.2001	Rajheri	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Mandhar	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Barheri	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Lal Chhappar	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1318–15.06.2001	Lal Chhappar	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Karhera	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Majri	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1318–15.06.2001	Majri	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Nagla Rangran	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Buchhabans	Jagadhri	Yamuna Nagar	Haryana	15th June 2000
1207–20.04.1999	Nakum	Jagadhri	Yamuna Nagar	Haryana	15th June 2000

[F. No. R-25011/6/2001 OR-L]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 27 मई, 2002

का. आ. 1796.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत के राजपत्र तारीख 8 दिसम्बर, 2001 में प्रकाशित अधिसूचना संख्या का. आ. 3309 तारीख 03 दिसम्बर, 2001, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा मुन्द्रा — भटिण्डा अपरिष्कृत तेल पाइपलाइन परियोजना के माध्यम से गुजरात राज्य में मुन्द्रा — पत्तन स्थित अपरिष्कृत तेल संस्थान (सी. ओ. टी.) से पंजाब राज्य में भटिण्डा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 11 जनवरी 2002 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन^१ केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, और भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि पाइपलाइन बिछाने के लिए उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने की बजाए सभी विलंगमों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) में निहित होगा ।

अनुसूची

तहसील : नाशीर

ज़िला : नाशीर

राज्य : राजस्थान

क्रम सं.	गाँव का नाम	खसरा नं.	हिस्सा क्रमांक	ROU सेत्रफल	
				बीघा	डिस्का
1	2	3		4	
	देखवा	84		2	06
		83		2	11
		79		2	12
		80	रास्ता सरकारी भूमि	0	01
		8		0	03
		6		7	12
		23		4	02
		24		0	01
		1		2	01
		26	गै.मु. गोचर सरकारी भूमि	3	01
2	कालडी	316	रास्ता सरकारी भूमि	0	02
		315		0	16
		318		4	03
		320		0	01
		338	रास्ता सरकारी भूमि	0	03
		455	377	2	14
		456	377	1	10
		381		0	05
		375		6	10
		374		0	03
		382		0	01
		371		2	08
		370		0	04
		369		0	02
		349	आशीर सरकारी भूमि	3	17
		347	आशीर सरकारी भूमि	2	09
		266	रास्ता सरकारी भूमि	0	03
		239	आशीर सरकारी भूमि	3	14
		237	रास्ता सरकारी भूमि	0	03
		225		1	06
		447	225	1	09
		224		0	08
		223		4	05
		228		4	11
		181		3	15
		180		2	00
		179		2	09

तहसील : नागौर

ज़िला : नागौर

राज्य : शाजस्थान

क्रम सं.	गांव का नाम	खसरा नं.	हिस्सा क्रमांक	ROU कोत्रफल	
				बीघा	घनस्था
3	नंगा गांव	682		0	06
		681		3	18
		679		2	07
		544	रास्ता सरकारी भूमि	0	03
		191	रास्ता सरकारी भूमि	0	01
		543		2	06
		542		2	17
		539		0	01
		7		2	01
		6		0	01
		9	ग्र.मु. पायतन	2	13
		10		2	06
		11		4	10
		16		1	14
		17		1	19
		18		2	10
		20		0	08
		25		2	15
		26		2	10
		261		1	04
4	जाम्बाणिया	249		7	00
		250		0	01
		252		5	03
		247	रास्ता सरकारी भूमि	0	06
		246		2	00
		236	रास्ता सरकारी भूमि	0	01
		253		0	01
		191	रास्ता सरकारी भूमि	0	06
		220		3	02
		217		0	04
		219		3	16
		218		0	06
		258		0	08
		193	गोचर सरकारी भूमि	0	01
		190	आगौर सरकारी भूमि	4	11
		189	रास्ता सरकारी भूमि	0	03
		99	गोचर सरकारी भूमि	8	04
		98	ग्र.मु. बेरा सरकारी भूमि	0	01
		97	ग्र.मु. रास्ता सरकारी भूमि	0	01

तहसील : नारोर

ज़िला : नारोर

राज्य : राजस्थान

क्रम सं.	गांव का नाम	खसरा नं.	हिस्सा क्रमांक	ROU सेत्रफल	
				बीघा	बिस्ता
1	2	3		4	
४	जाम्बाणिया	78		2	15
	(जारी)	79		1	08
		81		0	04
		80		2	03
		83		2	12
		84		2	13
		96		2	11
		95		0	04
		94		2	09
		94	335	3	07
५	श्रीबालजी	774		1	11
		776	भाकर सरकारी भूमि	1	13
		802		6	13
		803		3	04
		804		0	19
		796		3	17
		794		3	08
		809		2	05
		789		2	02
		810		1	05
		787		2	04
		786		3	08
		785		4	04
		783		0	11
		668		3	02
		666		2	19
		667		1	05
		650	रास्ता सरकारी भूमि	0	01
		630		2	18
		630	मिन (15 बीघा)	1	02
		630	मिन (28.5 बीघा)	1	00
		630	मिन (42 बीघा)	1	03
		628		0	17
		627		0	15
		625	रास्ता सरकारी भूमि	0	02
		617		0	18
		619		2	13
		620		0	13
		608	रास्ता सरकारी भूमि	0	02

तदुसील : नागौर

ज़िला : नागौर

राज्य : राजस्थान

क्रम सं.	गाँव का नाम	खसरा नं.	हिस्सा क्रमांक	ROU कोन्फर्मल	
				बीघा	घिस्वा
1	2	3		4	
५	श्रीबालाजी (जारी)	594		0	14
		595		4	10
		596		2	09
		585	शरस्ता सरकारी भूमि	0	04
		579		0	11
		580		4	06
		557	शरस्ता सरकारी भूमि	0	04
		539		2	04
		540		1	12
		537		0	10
		536		4	11
		525		4	01
		526		0	01
		494	गोप्य सरकारी भूमि	3	16
		496		3	15
		497		0	01
		508		0	01
		507		4	00
		506		3	16
		501		2	14
		502		2	00
		503		0	17
६	पाल्लुचल	2		0	19
		5	रेलवे लाईन सरकारी भूमि	0	05
		6		0	01
		7		0	01
		14	आसफालटेड रोड सरकारी भूमि	0	11
		27		2	01
		28		3	06
७	बुकमर्सोत	424		3	04
		431		1	12
		430		2	17
		429		0	02
		435		4	13
		440		2	06
		437		3	04
		438		0	01
		366	शरस्ता सरकारी भूमि	0	02
		365		0	02
		364		3	03

वाहनील : नागौर		ज़िला : नागौर	राज्य : याज्ञस्थान	ROU क्रमांक	
क्रम सं.	गाँव का नाम	खसरा नं.	हिस्सा क्रमांक	बीघा	बिस्ता
	1	2	3	4	
8	छोला	14		0	01
		15		1	17
		13		2	11
		12		4	01
		11		0	12
		27		2	02
		28		5	17
		26		0	01
	492	7		0	08
		29		4	05
	504	29		0	02
	515	5		0	12
		4		2	08
9	पीपासर	56		2	01

फा. सं. आर. 31015/32/2001/ओ.आर. II]
हरीश कुमार, अध्यक्ष सचिव

New Delhi, the 27th May, 2002

S. O. 1796.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.3309, dated the 3rd December 2001, published in the Gazette of India, dated the 8th December, 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of petroleum products from Crude Oil Terminal (COT) at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil pipeline by Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Limited);

And whereas copies of the said Gazette notification were made available to the public on the 11th January, 2002;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in the Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Limited), free from all encumbrances.

SCHEDULE

Tehsil : Nagaur		District : Nagaur		State : Rajasthan	
	Name of Village	Khasra No.	Part If Any	ROU-Area	
				1	2
		1	2	3	4
1	DEHRWA	84		2	06
		83		2	11
		79		2	12
		80	Cart Track G.L.	0	01
		8		0	03
		6		7	12
		23		4	02
		24		0	01
		1		2	01
		26	Gauchar G.L.	3	01
2	KALRI	316	Cart Track G.L.	0	02
		315		0	16
		318		4	03
		320		0	01
		338	Cart Track G.L.	0	03
		455	377	2	14
		456	377	1	10
		381		0	05
		375		6	10
		374		0	03
		382		0	01
		371		2	08
		370		0	04
		369		0	02
		349	Agor G.L.	3	17
		347	Agor G.L.	2	09
		266	Cart Track G.L.	0	03
		239	Agor G.L.	3	14
		237	Cart Track G.L.	0	03
		225		1	06
		447	225	1	09
		224		0	08
		223		4	05
		228		4	11
		181		3	15
		180		2	00
		179		2	09

Tehsil : Nagaur		District : Nagaur		State : Rajasthan	
	Name of Village	Khasra No.	Part if Any	ROU-Area	
				Biga	Biswa
	1	2	3	4	
3	Naya Gaon	682		0	06
		681		3	18
		679		2	07
		544	Cart Track G.L.	0	03
		191	Cart Track G.L.	0	01
		543		2	06
		542		2	17
		539		0	01
		7		2	01
		6		0	01
		9	Payatan G.M.	2	13
		10		2	06
		11		4	10
		16		1	14
		17		1	19
		18		2	10
		20		0	08
		25		2	15
		26		2	10
		261		1	04
4	JAKHANIYA	249		7	00
		250		0	01
		252		5	03
		247	Cart Track G.L.	0	06
		246		2	00
		236	Cart Track G.L.	0	01
		253		0	01
		191	Cart Track G.L.	0	06
		220		3	02
		217		0	04
		219		3	16
		218		0	06
		258		0	08
		193	Gauchar G.L.	0	01
		190	Agor G.L.	4	11
		189	Cart Track G.L.	0	03
		99	Gauchar G.L.	8	04
		98	Bera G.L.	0	01
		97	Cart Track G.L.	0	01

Tehsil : Nagaur

District : Nagaur

State : Rajasthan

	Name of Village	Khasra No.	Part if Any	ROU-Area	
				Biga	Biswa
4	1	2	3	4	
4	JAKHANIYA (Contd.)	78		2	15
		79		1	08
		81		0	04
		80		2	03
		83		2	12
		84		2	13
		96		2	11
		95		0	04
		94		2	09
		94	335	3	07
5	SHRI BALAJI	774		1	11
		776	Bhakar G.L.	1	13
		802		6	13
		803		3	04
		804		0	19
		796		3	17
		794		3	08
		809		2	05
		789		2	02
		810		1	05
		787		2	04
		786		3	08
		785		4	04
		783		0	11
		668		3	02
		666		2	19
		667		1	05
		650	Cart Track G.L.	0	01
		630		2	18
		630	min (15 Biga)	1	02
		630	min (28.5 Biga)	1	00
		630	min (42 Biga)	1	03
		628		0	17
		627		0	15
		625	Cart Track G.L.	0	02
		617		0	18
		619		2	13
		620		0	13
		608	Cart Track G.L.	0	02

Tehsil : Nagaur

District : Nagaur

State : Rajasthan

	Name of Village	Khasra No.	Part if Any	ROU-Area	
				Biga	Biswa
	1	2	3	4	
5	SHRI BALAJI (Contd.)	594		0	14
		595		4	10
		596		2	09
		585	Cart Track G.L.	0	04
		579		0	11
		580		4	06
		557	Cart Track G.L.	0	04
		539		2	04
		540		1	12
		537		0	10
		536		4	11
		525		4	01
		526		0	01
		494	Gauchar G.L.	3	16
		496		3	15
		497		0	01
		508		0	01
		507		4	00
		506		3	16
		501		2	14
		502		2	00
		503		0	17
6	PABUTHAL	2		0	19
		5	Railway Line G.L.	0	05
		6		0	01
		7		0	01
		14	Asphalted Road G.L.	0	11
		27		2	01
		28		3	06
7	BUKARMASOT	424		3	04
		431		1	12
		430		2	17
		429		0	02
		435		4	13
		440		2	06
		437		3	04
		438		0	01
		366	Cart Track G.L.	0	02
		365		0	02
		364		3	03

Tehsil : Nagaur		District : Nagaur		State : Rajasthan	
	Name of Village	Khasra No.	Part if Any	ROU-Area	
				Biga	Biswa
1	2	3		4	
8	CHILA	14		0	01
		15		1	17
		13		2	11
		12		4	01
		11		0	12
		27		2	02
		28		5	17
		26		0	01
		492	7	0	08
		29		4	05
		504	29	0	02
		515	5	0	12
		4		2	08
9	PINPASAR	56		2	01

[F. No. R-31015/32/2001 OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 27 मई, 2002

का. आ. 1797.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि जामनगर—भोपाल पाइपलाइन परियोजना के कार्यान्वयन के लिए गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए उस भूमि, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथाप्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इककीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री एन. एस. कनेश, सक्षम प्राधिकारी, जी. टी. आई. सी. एल पाइपलाइन परियोजना, भूमि तल, 243, चन्द्रनगर ए० बी० रोड, इन्दौर-452008 (मध्यप्रदेश) को लिखित रूप में आक्षेप कर सकेगा।

अनुसूची

तहसील : सांवेर

जिला : हंदौर

राज्य : मध्यप्रदेश

गांव का नाम

सर्वे नंबर

क्षेत्रफल

हेक्टेयर आरे सेन्टीयर

1	2	3	4	5
1. सतलाना	15	0	32	55
	16/1	0	1	15
	16/2/1	0	11	70
	16/2/2	0	2	5
2. पंचडेरिया	206/3	0	1	5
3. रामपिपल्या	194/2	0	21	15
4. लसूडिया परमार	401	0	53	0
5. गोडवास	90/4	0	18	55
	90/6	0	20	55
	90/5	0	37	90
6. ढकाढ्या जामीर	1272/1	0	25	80
7. कदवाली बुजुर्ग	16	0	20	85
8. कदवाली लुर्द	80	0	2	55
	541/1	0	20	85
9. मण्डलावदा	282/1/3	0	5	95
10. राहुखेड़ी	83/2	0	30	95
	82/4	0	5	40

उपरोक्त सर्वे नंबर का आ. कं. 78 दिनांक 09/01/2002 में सम्मिलित नहीं है ।

[फा. सं. एल. 14014/27/2001-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 27th May, 2002

S. O. 1797.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh a pipeline should be laid by Gas Transportation and Infrastructure Company Limited for implementing Jamnagar Bhopal pipeline project;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty -one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri N.S.Kanesh, Competent Authority, GTICL Pipeline Project, Ground Floor, 24-A Chandra Nagar, A.B.Road, Indore-452 008.

SCHEDULE

Tehsil : Sanwer

District : Indore

State : Madhya Pradesh

Name of the Village	Survey No.	AREA		
		Hectare	Are	C-Are
1	2	3	4	5
1. SATLANA	15	0	32	55
	16/1	0	1	15
	16/2/1	0	11	70
	16/2/2	0	2	5
2. PANCHDERIYA	206/3	0	1	5
3. RAMPIPLIYA	194/2	0	21	15
4. LASUDIA PARMAR	401	0	53	0
5. BHONDWAS	90/4	0	18	55
	90/6	0	20	55
	90/5	0	37	90
	1272/1	0	25	80
7. KADVALI BUJURG	16	0	20	85
8. KADVALI KHURD	80	0	2	55
	541/1	0	20	85
9. MANDALVADA	282/1/3	0	5	95
10. RAHUKHEDI	83/2	0	30	95
	82/4	0	5	40

The above Survey numbers have not appeared earlier wide S.O.76 dated 09.01.2002

[No. L. 14014/27/2001-G.P.]
SWAMI SINGH, Director

नई दिल्ली, 27 मई, 2002

का. आ. 1798.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 12 जनवरी, 2002 में पृष्ठ 210 से पृष्ठ 228 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 76, तारीख 09 जनवरी, 2002 में निम्नलिखित संशोधन करती है, अर्थातः—

उक्त अधिसूचना की अनुसूची में,

- (क) पृष्ठ 216 पर स्तंभ 1 में “सतलाना” ग्राम के सामने, स्तंभ 2 के सर्वेक्षण सं. “139” में, स्तंभ 3, 4 और 5 में क्षेत्र “00-60-10” के स्थान पर क्षेत्र “00-65-15” रखा जाएगा, ;
- (ख) पृष्ठ 224 र, स्तंभ 1 में “लसूडिया परमार” ग्राम के सामने,
- (i) स्तंभ 2 के सर्वेक्षण सं. “363/424, 363/1, 363/2, 363/3” में, स्तंभ 3, 4 और 5 में क्षेत्र “00-08-55” के स्थान पर, क्षेत्र “00-20-05” रखा जाएगा ;
- (ii) स्तंभ 2 में सर्वेक्षण सं. “370/425/2” में, स्तंभ 3,4 और 5 में क्षेत्र “00-13-85” के स्थान पर क्षेत्र “0-37-35” रखा जाएगा ।

[फा. सं. एल. 14014/27/02-जी.पी.]
स्वामी सिंह, निदेशक

New Delhi, the 27th May, 2002

S. O. 1798.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.76, dated the 9th January, 2002, published at pages 210 to 247 in part II, section 3, sub-section (ii) of the Gazette of India, dated the 12th January, 2002, namely:-

In the Schedule to the said notification:-

- (a) at page 235, against village “Satlana” in column 1, in Survey No.”139” in column 2, for the area “00-60-10” in columns 3,4 and 5, the area “00-65-15” shall be substituted:-
- (b) at page 243, against village “Lasudia Parmar” in column 1,
 - (i) in Survey Nos. “363/424, 363/1, 363/2, 363/3” in column 2, for the area”00-08-55” in columns 3,4 and 5, the area “00-20-05” shall be substituted;
 - (ii) in Survey No.”370/425/2” in column 2,for the area “00-13-85” in columns 3,4 and 5, the area “ 00-37-35” shall be substituted.

[No. L. 14014/27/02-G.P.]
SWAMI SINGH, Director

नई दिल्ली, 27 मई, 2002

का. आ. 1799.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 12 जनवरी, 2002 में पृष्ठ 294 से पृष्ठ 333 तक प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 79, तारीख 09 जनवरी, 2002 में निम्नलिखित संशोधन करती है, अर्थात् :—

- (क) पृष्ठ 302 पर, स्तंभ 1 में गाँव "लसूडिया सुखा प. ह. नं. 37" के सामने,
- (i) स्तंभ 2 के सर्वेक्षण सं. "202" में, स्तंभ 3, 4 और 5 के "00-16-60" क्षेत्र के स्थान पर "00-21-10" क्षेत्र रखा जाएगा;
- (ii) स्तंभ 2 के सर्वेक्षण सं. "200" में, स्तंभ 3, 4 और 5 के "0-00-10" क्षेत्र के स्थान पर "00-02-50" क्षेत्र रखा जाएगा;
- (ख) पृष्ठ 311 पर, स्तंभ 1 में गाँव "अरनियागाजी" के सामने, स्तंभ 2 के सर्वेक्षण सं. "745/3" में, स्तंभ 3, 4 और 5 में "00-02-10" क्षेत्र के स्थान पर, "00-16-50" क्षेत्र रखा जाएगा. ;
- (ग) पृष्ठ 312 पर, स्तंभ 1 के गाँव "खड़ी" के सामने, स्तंभ 2 में सर्वेक्षण सं. "299/1/1" में स्तंभ 3, 4 और 5 में "00-31-60" क्षेत्र के स्थान पर, "00-54-60" क्षेत्र रखा जाएगा. ;

[फा. सं. एल. 14014/30/2001-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 27th May, 2002

S. O. 1799.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O.79, dated the 9th January, 2002, published at pages 294 to 333 in part II, section 3, sub-section (ii) of the Gazette of India, dated the 12th January, 2002, namely:-

In the Schedule to the said notification:-

- (a) at page 322, against village "LASUDIA SUKHA" in column 1,
 - (i) in Survey No .."202" in column 2, for the area "0-16-60" in columns 3,4 and 5, the area "0-21-10" shall be substituted;
 - (ii) in Survey No .."200" in column 2, for the area "0-00-10" in columns 3,4 and 5, the area "0-02-50" shall be substituted;
- (b) at page 331, against village "HARNIA GAZI" in column 1,

in Survey No."745/3", in column 2, for the area " 0-02-10" in columns 3,4 and 5, the area " 0-16-50", shall be substituted;

- at page 332, against village "KHADI" in column 1,

in Survey No."299/1/1" , in column 2, for the area "0-31-60" in columns 3,4 and 5, the area "0-54-60" shall be substituted.

[No. L. 14014/30/2001-G.P.]
SWAMI SINGH, Director

नई दिल्ली, 27 मई, 2002

का. आ. 1800.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में तारीख 08 दिसम्बर, 2001 में यथाप्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मन्त्रालय की अधिसूचना संख्या का. आ. 3308 तारीख 03 दिसम्बर, 2001 द्वारा गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन (सी. ओ. टी.) से मुन्द्रा-भैंटिंडा अपरिष्कृत तेल पाइपलाइन के माध्यम से पंजाब राज्य में भैंटिंडा तक अपरिष्कृत तेल के परिवहन के लिए एक पाइपलाइन गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कारपोरेशन की समनुषंगी) द्वारा भूमि के अन्तर्गत पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 03 जनवरी 2002 से 14 जनवरी 2002 तक उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात, यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी विलंगमों से मुक्त, गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड की समनुषंगी) में निहित होगा।

अनुसूची

तमुसौल : श्री हुंगराठ

जिला : दीक्खनेर

राज्य : राजस्थान

क्रम सं.	गांव का नाम	शासक नं.	हिस्सा क्रमांक	ROU का क्षेत्रफल	
				दीचा	दिस्वा
1	2	3		4	
1	सावतसर	375		1	04
		376		1	07
		565		0	13
		377		0	04
		564		1	11
		378		0	16
		678	485	1	05
		679	485	0	06
		482		0	12
		483	गै.मु. जोहुड	0	01
		484	गै.मु. गोचर	0	15
		486		0	09
		665	489	0	12
		488	गै.मु. गोचर	0	14
		487	गै.मु. जोहुड	0	02
		559		1	10
		558		0	18
		556		3	04
		693	494	0	03
		495		1	13
		670	536	1	09
		499		1	11
		500		0	01
		501		2	02
		786	503	1	05
		785	503	0	12
		504		1	06
		512		2	04
		511		0	01
		510		1	16
		509		0	04
2	कल्याणसर	3		0	11
		637	2	1	13
		636	2	0	02

वहसोल : श्री हुंगराड

जिला : बीकानेर

राज्य : राजस्थान

क्रम सं.	वार्त्ता का नाम	क्रमांक	हिरसा क्रमांक	ROU का शेषफल	
				बीघा	बिल्का
1	2	3	4	1	18
2	कन्याण्डर (जारी)	5 7 9 10		2 03 05 19	
3	कोटासर	302 303 304 328 327 326 319 320 325 324 322 355 174/1 444 175 443 175 170 178 159 179 158 157 142 154 153 151 150 148 149		0 01 2 16 0 08 2 06 1 15 0 13 0 10 2 00 2 08 0 10 1 04 2 17 0 18 0 01 0 17 2 02 0 03 0 16 1 03 1 13 1 19 1 10 1 07 2 00 0 19 1 02 1 08	
4	दुरादणा पिपाशशीधा	252 72 251 72 71 70 205 69 206 69		1 01 2 05 0 12 1 08 0 15 0 12	

वक्तुसोल : श्री हुंगराहाट

ठिला : बीकानेर

राज्य : राजस्थान

क्रम सं.	ठांच का नाम	शारणा नं.	हुंगरा क्रांक		ROU का क्रमांक	
			बीघा	बिल्ड्स	बीघा	बिल्ड्स
4	1	2	3	4	5	
4	हुंगराणा	219	76			
	पिपासदीया	77			2	08
	(जारी)	79			3	03
		192	80		0	01
		225	64		2	01
		243	63		1	15
		52			0	15
		53			4	14
		42			3	03
		173	34/1		3	08
5	हुंगराणा बड़ा	243	7		1	08
		242	7		0	18
		241	7		0	02
		6			1	00
		5			0	19
		10			0	02
		4			0	12
		12			2	02
		225	14		2	01
		226	14		2	03
6	गोजास	108			0	02
		142			4	16
		141			0	13
		161			2	09
		158			2	13
		157			1	07
		168			0	01
		169			1	15
		170			1	19
		171			1	11
		265	174		2	00
		264	174		1	04
		231			2	14
7	बनोसर	420			1	03
		592	419		0	08
		593	419		0	14
		594	419		0	09

तहसील : श्री द्वंगरगढ़

जिल्हा : दीक्षणेर

राज्य : राजस्थान

क्रम सं.	गांव का नाम	खसरा नं.	हिस्सा क्रमांक	ROU का क्षेत्रफल	
				दीचा	दिस्का
1	2	3		4	
7	बैनीसर	171		0	13
	(जारी)	557	172	0	12
		558	172	0	03
		173		2	02
		400		2	14
		401		0	01
		399		0	15
		398		2	12
		395		1	06
		385		1	03
		386	मीटरघोज रेलवे बैनीसर से द्वंगरगढ़	0	04
		387		0	19
		389		0	12
		184		2	14
		183		0	12
		185		0	01
		186		1	17
		368		1	02
		188		1	12
		367		0	01
		560	189	0	15
		190		1	04
		231		2	09
		230		0	08
		234		1	11
		477	229	0	04
		237		1	10
		480	238	1	06
		483	239	1	00
		481	239	2	05
		482	239 ; अस्फाल्ट रोड लखासर से द्वंगरगढ़	0	06
		240		2	09
		317		0	16
		316	सरकारी भूमि पार्श्वन	0	07
		315		2	16
		314		0	09
		293		2	00

वाहनसील : श्री हूंगेश्वर

जिला : बीकानेर

राज्य : राजस्थान

क्रम सं.	गाँव का नाम	खसरा नं.	हिस्सा क्रमांक	ROU का क्षेत्रफल	
				बीघा	बिस्ता
1	2	3		4	
7	चेनीसर	294		2	01
	(जाई)	295		3	05
		304		0	01
		296		1	12
		285		0	19
		286		0	04
		284		1	00
		273		2	09
		274		1	07
		275		1	09
		565	276	1	18
		566	276	0	19
		24		1	11
		5		1	03
		508	23	1	03
		509	23	0	04
		6		2	01
		12		1	13
		9		0	14
		10		1	10
		8		1	15
		1		0	05
8	लखासर	438		0	16
		439	1	3	08
		154		3	04
		153	1	0	02
		153	2	1	10
9	श्री हूंगेश्वर	14		1	11
		13		1	18
		5	2	2	15
		3		0	01
		6		1	15
		8	काट फ्रेण सरकारी भूमि	0	01
		56		0	03
		55		1	06
		54		1	11
		53		1	07

तहसील : श्री लूण्डरगढ़

ज़िला : वीकनेर

राज्य : राजस्थान

क्रम सं.	गांव का नाम	खासगत नं.	छिरसा क्रमांक	ROU का शेषफल	
				बीघा	बिस्ता
	1	2	3	4	
9	श्री लूण्डरगढ़ (आरी)	52 49 61 527 62 528 62 67		2 0 2 1 0 2	11 01 18 14 15 18
10	जोदासर	1 1014 2 1016 2 3 8 9 11 13		2 0 0 3 05	11 03 05
11	लुम्बाईसर	683 685 1 686 2 687 688 689 1088 694 1089 694 695 748 753 779 780 781 778 776 774 775		1 2 1 0 1 1 1 1 3 2 0 1 0 2 0 1 2 0 1 4 3 0 2 0 1 15 09 03 11 05 12 06 05 19 07 02 15 02 00 14	17 07 14 18 05 05 13 07 17 07 14 18 05 12 06 05 19 07 02 15 09 03 11 05 15 14
12	प्रसिद्धा	10 9 215 2 216 2		2 2 1 1	00 02 15 15
13	अमरगढ़	875 128		2	12

वहुसील : श्री हुंगलाल

जिला : दीक्षानेत्र

राज्य : राजस्थान

क्रम सं.	गाँव का नाम	खण्डनं.	छिरेसा क्रमांक	ROU का शेषफल	
				दीदा	बिस्ता
1	2	3		4	
13	उदयराम	877	128	1	08
	(जाँड़ी)	878	128	0	07
		136		1	12
		135		1	05
		134		2	06
		892	147	0	05
		893	147	3	00
		145		0	17
		144		0	09
		895	150	1	11
		896	150	0	15
		898	150	0	05
		143		2	13
		156		1	08
		155		2	14
		1073	179	1	02
		1074	179	2	11
		190		1	04
		189		1	16
		188		1	16
		187		0	01
		181		1	01
		182		1	07
		183		1	13
		95		3	01
		90		1	01
		93		0	19
		91		1	03
		825	92	0	03
		826	92	2	12
		81		3	02
		55		2	16
		815	56	1	05
		53		0	14
		52		1	04
		50		3	11
		48		1	18

दृष्टिकोण : श्री द्वृष्टिकोण

दिनांक : द्वृष्टिकोण

राज्य : राजस्थान

क्रम सं.	शास्त्र का नाम	खण्डन नं.	हुस्सा क्रमांक		ROU का क्रमांक	
			बीचा	द्वितीय	बीचा	द्वितीय
	1	2	3	4		
13	उद्यासर (जप्ती)	799	44		0	09
		800	46		2	00
		46			1	17
		404			1	14
		940	405		2	00
		941	405		1	05
		406			1	10
		407			1	08
		408			2	10
		410			2	08
14	लाप्तिक्षा	355	207		2	06
		446	208		1	15
		212			3	14
		211			0	03
		373	215		3	11
		377	215		2	00
		366	215		1	12
		375	215		0	01
		222			2	04
		221			1	18
		444	216		0	15
		217			1	17
15	ज्ञानवस्त्र	423	27		0	13
		424	27		2	02
		29			0	13
		26			1	16
		25			1	09
		24			1	00
		18			1	01
		464	20		1	05
		465	20		1	05
		19			0	10
		14			0	01
		13			1	12
		11			0	17
		12			1	15
		10			0	02

तंत्रज्ञान : श्री हुंडरेट

ठिला : वीक्सेस

राज्य : राजस्थान

10

क्रम सं.	ठांच का नाम	श्रमिक	हुंडसा क्रमांक	ROU का क्षेत्रफल	
				वीघा	किलोमीटर
1	2	3	4		
15	गोलनेश्वर (आर्टी)	99 101 98 2 104 105 1 372 106		2 0 1 3 1 0	13 03 12 06 01 17

फा. सं. आर. 31015/31/2001/ओ.आर. II]

हरीश कुमार, अवकर सचिव

New Delhi, the 27th May, 2002

S. O. 1800.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas, SO number 3308, dated the 3rd December 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India, dated the 8th December, 2001, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Crude Oil Terminal (COT) at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab through Mundra-Bathinda Crude Oil pipeline by Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Limited);

And whereas, copies of the said notification were made available to the public from 3rd January, 2002 to 14th January, 2002;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall, instead of vesting in the Central Government, vest, in the Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Limited), free from all encumbrances.

SCHEDULE

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan

Sr. No.	Name of Village	Khasra No.	•Part if Any	ROU - Area	
				Biga	Biswa
1	2	3		4	
1	SANWATSAR	375		1	04
		376		1	07
		565		0	13
		377		0	04
		564		1	11
		378		0	16
		678	485	1	05
		679	485	0	06
		482		0	12
		483	JOHAD	0	01
		484	Goachar	0	15
		486		0	09
		665	489	0	12
		488	Goachar	0	14
		487	JOHAD	0	02
		559		1	10
		558		0	18
		556		3	04
		693	494	0	03
		495		1	13
		670	536	1	09
		499		1	11
		500		0	01
		501		2	02
2	KILAYANSAR	786	503	1	05
		785	503	0	12
		504		1	06
		512		2	04
		511		0	01
		510		1	16
		509		0	04
2	KILAYANSAR	3		0	11
		637	2	1	13
		636	2	0	02

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan

Sr. No.	Name of Village	Khasra No.	Part if Any	ROU - Area	
				Biga	Biswa
	1	2	3	4	
4	DUSARNA	219	76	2	05
	PIPASARIYA	77		2	08
	(Contd.)	79		3	03
		192	80	0	01
		225	64	2	01
		243	63	1	15
		52		0	15
		53		4	14
		42		3	03
		173	34/1	3	08
5	DUSARNA BADA	243	7	1	08
		242	7	0	18
		241	7	0	02
		6		1	00
		5		0	19
		10		0	02
		4		0	12
		12		2	02
		225	14	2	01
		226	14	2	03
6	BHOJAS	108		0	02
		142		4	16
		141		0	13
		161		2	09
		158		2	13
		157		1	07
		168		0	01
		169		1	15
		170		1	19
		171		1	11
		265	174	2	00
		264	174	1	04
		231		2	14
7	BENISAR	420		1	03
		592	419	0	08
		593	419	0	14
		594	419	0	09

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan

Sr. No.	Name of Village	Khasra No.	Part if Any	ROU - Area	
				Biga	Biswa
1	2	3		4	
7	BENISAR (Contd.)	171		0	13
		557	172	0	12
		558	172	0	03
		173		2	02
		400		2	14
		401		0	01
		399		0	15
		398		2	12
		395		1	06
		385		1	03
		386	Meter gauge Railway line G.L.	0	04
		387		0	19
		389		0	12
		184		2	14
		183		0	12
		185		0	01
		186		1	17
		368		1	02
		188		1	12
		367		0	01
		560	189	0	15
		190		1	04
		231		2	09
		230		0	08
		234		1	11
		477	229	0	04
		237		1	10
		480	238	1	06
		483	239	1	00
		481	239	2	05
		482	239 ; Asphalted Road G.L.	0	06
		240		2	09
		317		0	16
		316	GL Paytan	0	07
		315		2	16
		314		0	09
		293		2	00

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan

Sr. No.	Name of Village	Khasra No.	Part if Any	ROU - Area	
				Biga	Biswa
	1	2	3	4	
7	BENISAR (Contd.)	294		2	01
		295		3	05
		304		0	01
		296		1	12
		285		0	19
		286		0	04
		284		1	00
		273		2	09
		274		1	07
		275		1	09
		565	276	1	18
		566	276	0	19
		24		1	11
		5		1	03
		508	23	1	03
		509	23	0	04
		6		2	01
		12		1	13
		9		0	14
		10		1	10
		8		1	15
		1		0	05
8	LAKHASAR	438		0	16
		439	1	3	08
		154		3	04
		153	1	0	02
		153	2	1	10
9	SHRI DUNGARGARH	14		1	11
		13		1	18
		5	2	2	15
		3		0	01
		6		1	15
		8	Cart Track G.L.	0	01
		56		0	03
		55		1	06
		54		1	11
		53		1	07

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan

Sr. No.	Name of Village	Khasra No.	Part if Any	ROU - Area	
				Biga	Biswa
	1	2	3	4	
9	SHRI DUNGARGARH (Contd.)	52 49 61 527 528 67		2 0 2 1 0 2	11 01 18 14 15 18
10	JAITASAR	1 1014 1016 3 8 9 11 13		2 0 0 3 1 1 1 1	11 03 05 09 02 00 13 07
11	GUSAISAR	683 685 686 687 688 689 1088 1089 695 748 753 779 780 781 778 776 774 775		1 2 1 0 1 1 1 1 3 2 1 1 2 0 1 2 0 3 0 2 1 15 09 03 11 05 15 2 00	17 07 14 18 05 12 06 05 19 07 02 15 09 03 11 05 15 14
12	DHOLIYA	10 9 215 216		2 2 1 1	00 02 15 15
13	UDRASAR	875	128	2	12

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan

Sr. No.	Name of Village	Khasra No.	Part if Any	ROU - Area	
				Biga	Biswa
1	2	3		4	
13	UDRASAR (Contd.)	877	128	1	08
		878	128	0	07
		136		1	12
		135		1	05
		134		2	06
		892	147	0	05
		893	147	3	00
		145		0	17
		144		0	09
		895	150	1	11
		896	150	0	15
		898	150	0	05
		143		2	13
		156		1	08
		155		2	14
		1073	179	1	02
		1074	179	2	11
		190		1	04
		189		1	16
		188		1	16
		187		0	01
		181		1	01
		182		1	07
		183		1	13
		95		3	01
		90		1	01
		93		0	19
		91		1	03
		825	92	0	03
		826	92	2	12
		81		3	02
		55		2	16
		815	56	1	05
		53		0	14
		52		1	04
		50		3	11
		48		1	18

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan

Sr. No.	Name of Village	Khasra No.	Part if Any		ROU - Area	
			1	2	3	4
13	UDRASAR (Contd.)	799	44		0	09
		800	46		2	00
		46			1	17
		404			1	14
		940	405		2	00
		941	405		1	05
		406			1	10
		407			1	08
		408			2	10
		410			2	08
14	LADHRIYA	355	207		2	06
		446	208		1	15
		212			3	14
		211			0	03
		373	215		3	11
		377	215		2	00
		366	215		1	12
		375	215		0	01
		222			2	04
		221			1	18
		444	216		0	15
		217			1	17
15	JALABSAR	423	27		0	13
		424	27		2	02
		29			0	13
		26			1	16
		25			1	09
		24			1	00
		18			1	01
		464	20		1	05
		465	20		1	05
		19			0	10
		14			0	01
		13			1	12
		11			0	17
		12			1	15
		10			0	02

Tehsil : Shri Dungargarh

District : Bikaner

State : Rajasthan 10

Sr. No.	Name of Village	Khasra No.	Part if Any	ROU - Area	
				Biga	Biswa
	1	2	3	4	
15	JALABBAR (Contd.)	99 101 98 104 105 372	2 1 106	2 0 1 3 1 0	13 03 12 06 01 17

[F. No R-31015/31/2001 OR-II.]
HARISH KUMAR, Under Secy.

नई दिल्ली, 30 मई, 2002

का. आ. 1801.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में मुन्द्रा पत्तन स्थित अपरिष्कृत तेल संस्थापन (सी.ओ.टी.) से पंजाब राज्य में भटिंडा तक अपरिष्कृत तेल के परिवहन के लिए गुरु गोबिन्द सिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इककीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री राम करण शर्मा, सक्षम प्राधिकारी, मुन्द्रा-भटिंडा अपरिष्कृत तेल पाइपलाइन, पंजाब रिफाइनरी परियोजना, गुरु गोबिन्दसिंह रिफाइनरीज लिमिटेड (हिन्दुस्तान पेट्रोलियम कॉरपोरेशन लिमिटेड की समनुषंगी) 450 एम. सी. कालोनी, हिसार रोड, सिरसा—125055 (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा ;

अनुसूची

तहसील डब्बाली

ज़िला सिरसा

राज्य हरियाणा

गांव का नाम	हस्तक्षेप नम्बर	खसरा नम्बर	हिस्सा (यदि कोई है)	धेनेफल कनाल- भरला
1	2	3	4	5
1 औढ़ां	204	4/11	-	0 - 15
		4/12	-	1 - 7
		4/19	-	0 - 1
		4/20	-	2 - 19
		4/21	-	0 - 16
		5/25	-	2 - 3
		13/4	-	0 - 12
		13/5	-	2 - 9
		13/6	-	0 - 1
		13/7	-	2 - 19
		13/13	-	2 - 0
		13/14	1	0 - 18
		* 13/14	2	0 - 1
		13/18	-	2 - 9
		13/19	-	0 - 10
		13/22	1	2 - 11
		13/22	2	0 - 7

1	2	3	4	5
आँडा	204	13/23	-	0 - 1
(चालू)	(चालू)	23/1	1	0 - 1
		23/1	2	1 - 16
		23/2	1	1 - 1
		23/10	1	0 - 5
		23/10	2	1 - 12
		23/11	1	0 - 1
		24/6	-	0 - 5
		24/15	-	2 - 15
		24/16	-	2 - 15
		24/25	-	0 - 13
		32/5	-	2 - 8
		32/6	-	2 - 8
		32/15	-	2 - 8
		32/16	-	2 - 8
		32/1	2	0 - 1
		32/25	1	2 - 8
		50/4	-	0 - 17
		50/5	-	1 - 9
		50/6	1	0 - 1
		50/6	2	0 - 3
		50/7	-	1 - 19
		50/13	-	0 - 2
		50/14	-	2 - 19

1	2	3	4	5
ओढ़ां	204	50/17	-	0 - 7
(चालू)	(चालू)	50/18	-	2 - 14
		50/22	-	1 - 11
		50/23	-	1 - 9
		60/15	-	2 - 0
		60/16	-	2 - 0
		60/17	-	1 - 1
		60/23	-	0 - 3
		60/24	-	2 - 18
		61/1	-	0 - 9
		61/2	-	2 - 12
		61/9	-	0 - 1
		61/10	-	3 - 0
		61/11	-	0 - 16
		83/3	-	2 - 16
		83/4	-	0 - 5
		83/8	1	0 - 15
		83/8	2	0 - 5
		83/9	-	0 - 11
		83/10	-	0 - 1
		83/11	-	0 - 13
		83/12	-	2 - 3
		83/19	-	0 - 1
		83/20	1	1 - 2

1	2	3	4	5
आँड़ा	204	83/20	2	1 - 18
(चालू)	(चालू)	83/21	-	0 - 10
		84/16	-	0 - 1
		84/25	-	2 - 7
		92/4	-	1 - 8
		92/5	-	1 - 9
		92/7	-	2 - 14
		92/8	-	0 - 7
		92/12	-	0 - 1
		92/13	-	2 - 19
		92/14	-	0 - 2
		92/18	-	0 - 17
		92/19	-	2 - 4
		92/21	-	1 - 1
		92/22	-	2 - 0
		115/1	-	2 - 18
		115/10	-	1 - 0
		116/5	-	0 - 3
		116/6	-	2 - 4
		116/15	-	2 - 7
		116/16	2	2 - 0
		116/17	1	0 - 11
		116/24	-	2 - 6
		116/25	-	0 - 2

1	2	3	4	5
ओड़ां	204	127/4	1	0 - 9
(चालू)	(चालू)	127/4	2	2 - 2
		127/7	-	1 - 8
		127/8	-	1 - 3
		127/13	-	2 - 11
		127/14	-	0 - 1
		127/18	-	2 - 11
		127/19	-	0 - 1
		127/22	-	2 - 0
		127/23	1	0 - 13
		155/1	-	0 - 1
		155/2	-	2 - 14
		155/9	-	1 - 1
		155/10	-	1 - 13
		155/11	-	1 - 18
		155/20	-	1 - 12
		156/16	-	0 - 16
		156/25	-	2 - 14
		162/4	-	0 - 3
		162/5	-	1 - 9
		250	-	1 - 6
		254	-	1 - 9
		256	-	0 - 9
		263	-	0 - 11

1	2	3	4	5
शौली (चालू)	204	267	-	0 - 7
	(चालू)	268	-	0 - 4
		272	-	0 - 3
		274	-	0 - 4
		281	-	0 - 7
		286	-	0 - 3
		287	-	0 - 2
		1202	-	0 - 3
		1218	-	0 - 2
		1236	-	0 - 5
2. राम नगर	206	9/4	-	0 - 14
		9/6	-	0 - 5
		9/7	-	2 - 13
		9/13	-	0 - 11
		9/14	-	2 - 3
		9/17	-	0 - 1
		9/18	-	2 - 12
		9/22	-	0 - 6
		9/23	-	2 - 8
		19/25	-	1 - 14
		20/2	-	2 - 9
		20/3	-	0 - 4
		20/9	-	2 - 11

1	2	3	4	5
राम नगर	206	20/10	-	0 - 2
(चालू)	(चालू)	20/11	-	2 - 5
		20/12	-	0 - 8
		20/20	1	0 - 4
		20/20	2	2 - 9
		20/21	-	0 - 14
		31/5	-	2 - 13
		31/6	1	0 - 9
		31/6	2	0 - 14
		31/7	-	1 - 11
		31/14	-	2 - 13
		31/17	1	1 - 10
		31/18	-	0 - 18
		31/23	-	2 - 13
		39/25	-	0 - 4
		40/2	-	0 - 15
		40/3	-	1 - 18
		40/8	-	0 - 1
		40/9	1/1	0 - 7
		40/9	1/2	0 - 7
		40/9	2/1	0 - 10
		40/9	2/2	1 - 8
		40/11	-	0 - 9
		40/12	-	2 - 4

1	2	3	4	5
राम नगर	206	40/19	-	0 - 2
(चालू)	(चालू)	40/20	-	2 - 13
		40/21	-	2 - 9
		55/1	-	0 - 5
		56/5	-	2 - 8
		56/6	-	2 - 12
		56/7	-	0 - 1
		56/14	2	2 - 4
		56/15	-	0 - 10
		56/17	-	2 - 13
		56/18	-	0 - 1
		56/23	-	1 - 17
		56/24	-	1 - 0
		61/3	-	2 - 14
		61/8	-	1 - 3
		61/9	-	1 - 11
		61/12	-	2 - 14
		61/19	-	1 - 10
		61/20	-	1 - 3
		61/21	-	2 - 10
		82/1	-	1 - 18
		82/10	-	0 - 1
		83/5	-	0 - 15
		83/6	-	2 - 14

1	2	3	4	5
राम नगर	206	83/14	-	0 - 9
(चालू)	(चालू)	83/15	-	2 - 5
		83/16	2	0 - 2
		83/17	-	2 - 9
		83/25	-	0 - 1
		145	-	0 - 3
		148	-	0 - 5
		218	-	0 - 4
3. घुकांवाली	221	1/18	-	0 - 3
		1/23	-	0 - 4
		1/24	-	2 - 8
		4/3	-	2 - 9
		4/4	-	0 - 5
		4/8	-	2 - 12
		4/9	-	0 - 1
		4/12	-	2 - 4
		4/13	-	0 - 9
		4/19	-	2 - 13
		4/20	-	0 - 1
		4/21	-	1 - 14
		4/22	-	0 - 14
		7/6	-	1 - 13
		7/15	-	2 - 14

1	2	3	4	5
घुकावाली	221	7/16	-	1 - 6
(चालू)	(चालू)	7/17	-	1 - 7
		7/24	-	2 - 14
		8/1	-	2 - 11
		8/10	-	1 - 0
		19/3	-	1 - 1
		19/4	1	1 - 12
		19/8	-	2 - 2
		19/9	-	0 - 3
		19/12	-	0 - 16
		19/13	-	1 - 17
		19/18	-	0 - 1
		19/19	-	2 - 14
		19/21	-	0 - 12
		19/22	-	2 - 2
		22/6	-	0 - 8
		22/15	-	2 - 12
		22/16	-	2 - 8
		22/17	-	0 - 5
		22/24	-	2 - 10
		22/25	-	0 - 3
		23/1	-	2 - 10
		23/2	1	0 - 1
		23/10	-	2 - 5

1	2	3	4	5
घुकावाली	221	23/11	-	0 - 2
(चालू)	(चालू)	36/4	2	2 - 6
		36/7	-	2 - 8
		36/14	-	1 - 7
		36/16	2	0 - 4
		36/17	-	2 - 1
		36/24	1	0 - 15
		36/24	2	0 - 11
		36/25	-	1 - 1
		42/4	-	0 - 1
		42/5	-	1 - 15
		42/6	1	1 - 4
		42/6	2	1 - 4
		42/15	1	0 - 17
		42/15	2	1 - 6
		42/16	1	1 - 8
		42/16	2	0 - 16
		42/25	-	2 - 8
		54/20	-	0 - 6
		54/21	-	1 - 2
		55/5	1	0 - 1
		55/5	2	2 - 8
		55/6	-	2 - 8
		55/15	-	2 - 7

1	2	3	4	5
घुकावाली	221	55/16	-	1 - 15
(चालू)	(चालू)	55/25	-	0 - 17
		72/5	-	0 - 2
		73/1	-	2 - 3
		73/10	1/1	0 - 13
		73/10	1/2	0 - 4
		73/10	2/1	0 - 8
		73/10	2/2	0 - 12
		73/11	-	2 - 8
		73/20	1	0 - 1
		73/20	2	2 - 6
		73/21	-	2 - 8
		84/1	-	2 - 8
		84/9	-	0 - 1
		84/10	1	1 - 4
		84/10	2	1 - 4
		84/11	-	1 - 15
		84/12	-	0 - 11
		84/19	-	1 - 9
		84/20	-	0 - 18
		84/21	-	0 - 2
		84/22	-	2 - 6
		103/2	1	0 - 2
		103/2	2	1 - 7

1	2	3	4	5
घुकांवाली	221	103/2	3	0 - 1
(चालू)	(चालू)	103/2	4	0 - 17
		103/9	-	2 - 8
		103/12	-	2 - 8
		103/19	1	1 - 4
		103/19	2	1 - 4
		103/22	-	2 - 9
		112/1	-	0 - 1
		112/2	-	2 - 14
		112/9	-	0 - 18
		112/10	-	1 - 17
		112/11	-	2 - 14
		112/20	-	0 - 11
		113/15	-	0 - 1
		113/16	-	1 - 19
		113/24	-	0 - 1
		113/25	-	2 - 14
		130/4	-	2 - 1
		130/5	-	0 - 13
		130/7	-	2 - 14
		130/8	-	0 - 1
		130/13	-	1 - 14
		130/14	-	0 - 12
		130/18/1	-	1 - 4

1	2	3	4	5
घुकांवाली	221	130/18/2	-	1 - 8
(चालू)	(चालू)	130/19	-	0 - 1
		130/22	-	2 - 3
		130/23	1	0 - 7
		140/1	2	0 - 1
		140/2	-	2 - 13
		140/9	-	0 - 7
		140/10	-	2 - 6
		140/11	-	2 - 13
		140/20	-	0 - 9
		141/15	-	0 - 1
		141/16	-	2 - 5
		141/24	-	0 - 2
		141/25	1	2 - 0
		141/25	2	0 - 12
		156/4	-	2 - 7
		156/5	-	0 - 7
		156/7	-	2 - 11
		156/8	-	0 - 3
		156/13	-	2 - 8
		156/14	-	0 - 6
		156/18	-	2 - 6
		156/19	-	0 - 4
		156/22	-	2 - 10

1	2	3	4	5
घुकांबाली	221	156/23	-	0 - 5
(चालू)	(चालू)	167/1	-	0 - 6
		167/2	-	2 - 6
		167/9	-	0 - 3
		167/10	-	2 - 11
		167/11	-	2 - 7
		167/20	-	0 - 2
		168/15	-	0 - 7
		168/16	-	2 - 13
		168/24	-	0 - 9
		168/25	-	2 - 5
		181/4	-	2 - 13
		181/5	-	0 - 1
		181/7	-	1 - 19
		181/8	-	0 - 12
		181/13	-	2 - 14
		181/14	-	0 - 1
		181/18	-	2 - 0
		181/19	-	0 - 14
		181/22	-	2 - 12
		181/23	-	0 - 1
		192/1	-	0 - 14
		192/2	-	1 - 17
		192/9	-	0 - 1

1	2	3	4	5
घुकांवाली	221	192/10	-	2 - 14
(चालू)	(चालू)	192/11	1	1 - 11
		192/11	2	0 - 8
		192/20	3	0 - 1
		193/15	-	0 - 14
		193/16	-	2 - 11
		193/24	-	0 - 15
		193/25	-	1 - 17
		205/4	-	2 - 14
		205/5	-	0 - 1
		205/7	1	1 - 5
		205/7	2	0 - 12
		205/8	-	0 - 15
		205/13	-	2 - 14
		205/14	-	0 - 1
		205/18	-	1 - 17
		205/19	-	0 - 15
		205/22	-	2 - 14
		205/23	-	0 - 1
		216/1	-	0 - 16
		216/2	-	1 - 17
		216/9	2	0 - 1
		216/10	-	2 - 14
		216/11	-	0 - 4

1	2	3	4	5
घुकावाली	221	230	-	1 - 6
(चालू)	(चालू)	232	-	0 - 6
		238	-	0 - 3
		239	-	0 - 3
		247	-	1 - 9
		263	-	0 - 10
		265/8	-	0 - 8
		270	-	0 - 8
		365	-	0 - 7
		398	-	0 - 2
		403	-	0 - 3
		407	-	0 - 3
		853	-	0 - 3
		857	-	0 - 4
		858	-	0 - 16
4. जगमालवाली	309	16/4	-	0 - 2
		16/6	-	2 - 8
		16/7	-	0 - 2
		16/14	2	1 - 17
		16/15	-	0 - 13
		16/17	1	2 - 8
		16/17	2	0 - 1
		16/23	-	0 - 1

1	2	3	4	5
जगमालवाली	309	16/24	1	1 - 5
(चालू)	(चालू)	16/24	2	0 - 19
		19/3	-	1 - 5
		19/4	-	1 - 5
		19/7	-	0 - 1
		19/8	-	2 - 10
		19/13	-	2 - 10
		19/18	1	1 - 5
		19/18	2	0 - 5
		19/19	-	0 - 4
		19/22	1	2 - 3
		19/22	2	0 - 4
		19/23	-	0 - 1
		36/25	-	0 - 1
		37/2	1	0 - 2
		37/2	2	2 - 7
		37/9	-	2 - 3
		37/10	1	0 - 7
		37/11	2	2 - 4
		37/12	-	0 - 6
		37/20	1	1 - 16
		37/20	2	0 - 11
		37/21	-	2 - 8
		42/1	-	0 - 14

1	2	3	4	5
जगमालवाली	309	43/5	-	1 - 12
(चालू)	(चालू)	43/6	-	2 - 10
		43/14	2	0 - 1
		43/15	1	1 - 13
		43/15	2	0 - 17
		43/16	-	1 - 4
		43/17	-	1 - 5
		43/24	-	2 - 10
		61/4	-	2 - 6
		61/7	-	1 - 6
		61/8	-	0 - 9
		61/13	-	1 - 14
		61/18	-	2 - 10
		61/22	-	0 - 7
		61/23	1	2 - 3
		69/2	2/1	0 - 1
		69/2	2/2	2 - 2
		69/3	1	0 - 1
		69/3	2	0 - 5
		69/9	-	2 - 10
		69/11	2	0 - 2
		69/12	-	2 - 8
		69/19	-	0 - 13
		69/20	-	1 - 17

1	2	3	4	5
जगमालबाली	309	69/21	-	2 - 6
(चालू)	(चालू)	88/5	-	0 - 1
		88/6	-	1 - 5
		88/15	1	1 - 14
		88/15	2	0 - 15
		88/16	-	2 - 10
		88/24	1	0 - 2
		88/24	2	0 - 13
		88/25	1	1 - 10
		88/25	2	0 - 1
		89/1	-	2 - 7
		89/10	1	0 - 18
		89/10	2	0 - 5
		98/4	-	2 - 9
		98/5	-	0 - 1
		98/7	-	2 - 10
		98/13	-	0 - 7
		98/14	-	2 - 3
		98/17	-	0 - 5
		98/18	-	2 - 4
		98/23	-	2 - 10
		120/2	-	0 - 2
		120/3	-	2 - 8
		120/8	-	0 - 13

1	2	3	4	5
जगमालवाली	309	120/9	1	1 - 0
(चालू)	(चालू)	120/9	2	0 - 8
		120/12	-	2 - 10
		120/19	-	2 - 10
		120/21	-	1 - 6
		120/22	-	1 - 4
		127/1	-	2 - 10
		127/10	-	2 - 10
		127/11	-	1 - 18
		127/20	-	0 - 2
		128/15	-	0 - 7
		128/18	-	2 - 4
		128/25	-	2 - 10
		152/4	-	0 - 3
		152/5	-	2 - 6
		152/6	-	0 - 10
		152/7	-	2 - 0
		152/14	-	2 - 10
		152/17	-	2 - 9
		152/18	-	0 - 1
		152/23	-	1 - 12
		152/24	1	0 - 18
		161/3	-	2 - 10
		161/8	-	2 - 10

1	2	3	4	5
जगमालवाली	309	161/12	-	1 - 2
(चालू)	(चालू)	161/13	-	1 - 8
		161/18	-	0 - 1
		161/19	-	2 - 10
		161/22	-	2 - 10
		189/16	-	0 - 5
		189/25	-	1 - 19
		190/1	-	0 - 13
		190/2	-	1 - 16
		190/9	-	0 - 1
		190/10	-	2 - 4
		190/11	-	2 - 10
		190/20	-	2 - 5
		190/21	-	0 - 7
		198/5	-	2 - 10
		198/6	-	2 - 9
		198/7	-	0 - 1
		198/14	-	1 - 13
		198/15	-	0 - 17
		198/17	-	2 - 2
		234	-	1 - 0
		236	-	0 - 11
		240	-	0 - 8
		285	-	0 - 2

1	2	3	4	5
जगमालबाली	309	289	-	0 - 8
(चालू)	(चालू)	295	-	0 - 2
		969	-	0 - 7
		976	-	0 - 4
		994	-	0 - 4
		1004	-	0 - 2
		1030	-	0 - 14
5. हस्तु	311	5/23	-	0 - 1
		6/3	-	1 - 12
		6/8	-	2 - 7
		6/13	-	2 - 7
		6/18	-	2 - 7
		6/23	-	2 - 7
		20/3	-	2 - 7
		20/8	-	2 - 7
		20/13	-	2 - 7
		20/18	-	2 - 7
		20/23	-	2 - 7
		23/3	-	2 - 7
		23/8	-	2 - 7
		23/13	-	2 - 7
		23/18	1	1 - 17
		23/18	2	0 - 10

1	2	3	4	5
हस्तू	311	23/23	1	0 - 17
(चालू)	(चालू)	23/23	2	1 - 11
		42/3	1	1 - 2
		42/3	2	1 - 1
		42/8	1	1 - 18
		42/8	2	0 - 9
		42/13	-	2 - 7
		42/18	-	2 - 7
		42/22	-	0 - 1
		42/23	-	2 - 7
		48/2	-	0 - 3
		48/3	-	2 - 4
		48/8	1	1 - 9
		48/8	2	0 - 12
		48/9	-	0 - 6
		48/12	1	0 - 2
		48/12	2	0 - 8
		48/13	-	1 - 18
		48/18	1	0 - 9
		48/18	2	0 - 18
		48/19	-	0 - 6
		48/22	-	0 - 19
		48/23	1	1 - 12
		69/2	2	0 - 18

1	2	3	4	5
हस्तु	311	69/3	-	1 - 10
(चालू)	(चालू)	69/8	-	0 - 10
		69/9	-	2 - 0
		69/12	-	0 - 12
		69/19	-	2 - 16
		69/20	-	0 - 6
		69/21	-	2 - 7
		69/22	-	0 - 4
		76/1	-	2 - 7
		76/10	1	0 - 2
		77/5	-	0 - 7
		77/6	-	2 - 12
		77/14	-	0 - 8
		77/15	-	2 - 6
		77/16	-	0 - 2
		77/17	-	2 - 13
		77/23	-	0 - 7
		77/24	1	0 - 4
		77/24	2	1 - 19
		93/3	-	2 - 14
		93/4	-	0 - 1
		93/8	-	2 - 8
		93/9	-	0 - 13
		93/11	-	0 - 10

1	2	3	4	5
हस्तू	311	93/12	-	1 - 18
(चालू)	(चालू)	93/13	-	0 - 1
		93/19	-	2 - 8
		93/21	-	0 - 1
		93/22	-	2 - 2
		102/1	-	1 - 10
		102/2	-	0 - 17
		102/9	-	0 - 11
		102/10	-	1 - 17
		102/11	-	2 - 8
		102/12	-	0 - 1
		102/20	-	2 - 8
		102/21	-	2 - 8
		113/15	-	0 - 1
		113/16	-	0 - 9
		113/25	-	1 - 7
		114/1	-	2 - 8
		114/10	-	2 - 8
		114/11	-	2 - 8
		114/20	-	1 - 17
		114/21	-	0 - 19
		121/1	-	0 - 2
		122/5	-	2 - 5
		122/6	-	2 - 8

1	2	3	4	5
इस्सू (चालू)	311 (चालू)	122/15 122/16 122/25 128/5 128/6 128/7 128/14 128/15 128/17 140 144 148 390 394 397 410 418 422 430	2 - - - - - - - - - - - - - - - - - - -	2 - 8 2 - 8 2 - 8 2 - 5 2 - 6 0 - 1 0 - 17 1 - 18 0 - 10 1 - 5 0 - 10 0 - 6 0 - 3 0 - 2 0 - 2 0 - 6 0 - 2 0 - 4 0 - 3

फा. सं आर. 31015/6/2001/ओ.आर. 11]

हरीश कुमार, अवर मन्त्रिष्ठ

New Delhi, the 30th May, 2002

S. O. 1801.—Whereas, it appears to the Central Government that it is necessary in the public interest, that a pipeline should be laid by Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Limited) for the transportation of crude oil from Crude Oil Terminal (COT) at Mundra Port in the State of Gujarat to Bathinda in the State of Punjab;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire, the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, issued under sub-section (1) of section 3 of the said Act, are made available to the general public, object in writing to the laying of the pipeline under the land to **Shri Ram Karan Sharma**, Competent Authority, Mundra - Bathinda Crude Oil Pipeline, Punjab Refinery Project, Guru Gobind Singh Refineries Limited (A subsidiary of Hindustan Petroleum Corporation Limited) 450, M.C. Colony, Hissar Road, Sirsa-125055 (Haryana).

SCHEDULE

Tehsil :Dabwall

District : Sirsa

State : Haryana

Name Of Village	Habbast No.	Khasra No.	Part	Extent
			Hissa No (If any)	Kanal - Maria
1	2	3	4	5
I. ODHAN	204	4/11	-	0 - 15
		4/12	-	1 - 7
		4/19	-	0 - 1
		4/20	-	2 - 19
		4/21	-	0 - 16
		5/25	-	2 - 3
		13/4	-	0 - 12
		13/5	-	2 - 9
		13/6	-	0 - 1
		13/7	-	2 - 19
		13/13	-	2 - 0
		13/14	1	0 - 18
		13/14	2	0 - 1
		13/18	-	2 - 9
		13/19	-	0 - 10
		13/22	1	2 - 11
		13/22	2	0 - 7

1	2	3	4	5
ODHAN	204	13/23	-	0 - 1
(Contd..)	(Contd..)	23/1	1	0 - 1
		23/1	2	1 - 16
		23/2	1	1 - 1
		23/10	1	0 - 5
		23/10	2	1 - 12
		23/11	1	0 - 1
		24/6	-	0 - 5
		24/15	-	2 - 15
		24/16	-	2 - 15
		24/25	-	0 - 13
		32/5	-	2 - 8
		32/6	-	2 - 8
		32/15	-	2 - 8
		32/16	-	2 - 8
		32/24	2	0 - 1
		32/25	1	2 - 8
		50/4	-	0 - 17
		50/5	-	1 - 9
		50/6	1	0 - 1
		50/6	2	0 - 3
		50/7	-	1 - 19
		50/13	-	0 - 2
		50/14	-	2 - 19

1	2	3	4	5
ODHAN	204	50/17	-	0 - 7
(Contd..)	(Contd..)	50/18	-	2 - 14
		50/22	-	1 - 11
		50/23	-	1 - 9
		60/15	-	2 - 0
		60/16	-	2 - 0
		60/17	-	1 - 1
		60/23	-	0 - 3
		60/24	-	2 - 18
		61/1	-	0 - 9
		61/2	-	2 - 12
		61/9	-	0 - 1
		61/10	-	3 - 0
		61/11	-	0 - 16
		83/3	-	2 - 16
		83/4	-	0 - 5
		83/8	1	0 - 15
		83/8	2	0 - 5
		83/9	-	0 - 11
		83/10	-	0 - 1
		83/11	-	0 - 13
		83/12	-	2 - 3
		83/19	-	0 - 1
		83/20	1	1 - 2

1	2	3	4	5
ODHAN	204	83/20	2	1 - 16 (1-18)
(Contd..)	(Contd..)	83/21	-	0 - 10
		84/16	-	0 - 1
		84/25	-	2 - 7
		92/4	-	1 - 8
		92/5	-	1 - 9
		92/7	-	2 - 14
		92/8	-	0 - 7
		92/12	-	0 - 1
		92/13	-	2 - 19
		92/14	-	0 - 2
		92/18	-	0 - 17
		92/19	-	2 - 4
		92/21	-	1 - 1
		92/22	-	2 - 0
		115/1	-	2 - 18
		115/10	-	1 - 0
		116/5	-	0 - 3
		116/6	-	2 - 4
		116/15	-	2 - 7
		116/16	2	2 - 0
		116/17	1	0 - 11
		116/24	-	2 - 6
		116/25	-	0 - 2

1	2	3	4	5
ODHAN	204	127/4	1	0 - 0 (0 - 0)
(Contd..)	(Contd..)	127/4	2	2 - 2
		127/7	-	1 - 8
		127/8	-	1 - 3
		127/13	-	2 - 11
		127/14	-	0 - 1
		127/18	-	2 - 11
		127/19	-	0 - 1
		127/22	-	2 - 0
		127/23	1	0 - 13
		155/1		0 - 1
		155/2	-	2 - 14
		155/9	-	1 - 1
		155/10	-	1 - 13
		155/11	-	1 - 18
		155/20	-	1 - 12
		156/16	-	0 - 16
		156/25	-	2 - 14
		162/4	-	0 - 3
		162/5	-	1 - 9
		250	-	1 - 6
		254	-	1 - 9
		256	-	0 - 9
		263	-	0 - 11

1	2	3	4	5
ODHAN (Contd..)	204 (Contd..)	267 268 272 274 281 286 287 1202 1218 1236	- - - - - - - - - -	0 - 7 0 - 4 0 - 3 0 - 4 0 - 7 0 - 3 0 - 2 0 - 3 0 - 2 0 - 5
2. RAM NAGAR	206	9/4 9/6 9/7 9/13 9/14 9/17 9/18 9/22 9/23 19/25 20/2 20/3 20/9	- - - - - - - - - - - - -	0 - 14 0 - 5 2 - 13 0 - 11 2 - 3 0 - 1 2 - 12 0 - 6 2 - 8 1 - 14 2 - 9 0 - 4 2 - 11

1	2	3	4	5
RAM NAGAR	206	20/10	-	0 - 2
(Contd.)	(Contd..)	20/11	-	2 - 5
		20/12	-	0 - 8
		20/20	1	0 - 4
		20/20	2	2 - 9
		20/21	-	0 - 14
		31/5	-	2 - 13
		31/6	1	0 - 9
		31/6	2	0 - 14
		31/7	-	1 - 11
		31/14	-	2 - 13
		31/17	1	1 - 10
		31/18	-	0 - 18
		31/23	-	2 - 13
		39/25	-	0 - 4
		40/2	-	0 - 15
		40/3	-	1 - 18
		40/8	-	0 - 1
		40/9	1/1	0 - 7
		40/9	1/2	0 - 7
		40/9	2/1	0 - 10
		40/9	2/2	1 - 8
		40/11	-	0 - 9
		40/12	-	2 - 4

1	2	3	4	5
RAM NAGAR	206	40/19	-	0 - 2
(Contd..)	(Contd..)	40/20	-	2 - 13
		40/21	-	2 - 9
		55/1	-	0 - 5
		56/5	-	2 - 8
		56/6	-	2 - 12
		56/7	-	0 - 1
		56/14	2	2 - 4
		56/15	-	0 - 10
		56/17	-	2 - 13
		56/18	-	0 - 1
		56/23	-	1 - 17
		56/24	-	1 - 0
		61/3	-	2 - 14
		61/8	-	1 - 3
		61/9	-	1 - 11
		61/12	-	2 - 14
		61/19	-	1 - 10
		61/20	-	1 - 3
		61/21	-	2 - 10
		82/1	-	1 - 18
		82/10	-	0 - 1
		83/5	-	0 - 15
		83/6	-	2 - 14

1	2	3	4	5
RAM NAGAR	206	83/14	-	0 - 9
(Contd..)	(Contd..)	83/15	-	2 - 5
		83/16	2	0 - 2
		83/17	-	2 - 9
		83/25	-	0 - 1
		145	-	0 - 3
		148	-	0 - 5
		218	-	0 - 4
3. GHIKANWALI	221	1/18	-	0 - 3
		1/23	-	0 - 4
		1/24	-	2 - 8
		4/3	-	2 - 9
		4/4	-	0 - 5
		4/8	-	2 - 12
		4/9	-	0 - 1
		4/12	-	2 - 4
		4/13	-	0 - 9
		4/19	-	2 - 13
		4/20	-	0 - 1
		4/21	-	1 - 14
		4/22	-	0 - 14
		7/6	-	1 - 13
		7/15	-	2 - 14

1	2	3	4	5
GHUKANWALI	221	7/16	-	1 - 6
(Contd..)	(Contd..)	7/17	-	1 - 7
		7/24	-	2 - 14
		8/1	-	2 - 11
		8/10	-	1 - 0
		19/3	-	1 - 1
		19/4	1	1 - 12
		19/8	-	2 - 2
		19/9	-	0 - 3
		19/12	-	0 - 16
		19/13	-	1 - 17
		19/18	-	0 - 1
		19/19	-	2 - 14
		19/21	-	0 - 12
		19/22	-	2 - 2
		22/6	-	0 - 8
		22/15	-	2 - 12
		22/16	-	2 - 8
		22/17	-	0 - 5
		22/24	-	2 - 10
		22/25	-	0 - 3
		23/1	-	2 - 10
		23/2	1	0 - 1
		23/10	-	2 - 5

1	2	3	4	5
GHUKANWALI	221	23/11	-	0 - 2
(Contd..)	(Contd..)	36/4	2	2 - 6
		36/7	-	2 - 8
		36/14	-	1 - 7
		36/16	2	0 - 4
		36/17	-	2 - 1
		36/24	1	0 - 15
		36/24	2	0 - 11
		36/25	-	1 - 1
		42/4	-	0 - 1
		42/5	-	1 - 15
		42/6	1	1 - 4
		42/6	2	1 - 4
		42/15	1	0 - 17
		42/15	2	1 - 6
		42/16	1	1 - 8
		42/16	2	0 - 16
		42/25	-	2 - 8
		54/20	-	0 - 6
		54/21	-	1 - 2
		55/5	1	0 - 1
		55/5	2	2 - 8
		55/6	-	2 - 8
		55/15	-	2 - 7

1	2	3	4	5
GHUKANWALI (Contd..)	221 (Contd..)	55/16 55/25 72/5 73/1 73/10 73/10 73/10 73/11 73/20 73/20 73/21 84/1 84/9 84/10 84/10 84/11 84/12 84/19 84/20 84/21 84/22 103/2 103/2	- - - - 1/1 1/2 2/1 2/2 1 2 - - - - 1 2 - - - - - - 1 2	1 - 15 0 - 17 0 - 2 2 - 3 0 - 13 0 - 4 0 - 8 0 - 12 2 - 8 0 - 1 2 - 6 2 - 8 0 - 1 1 - 4 1 - 4 1 - 15 0 - 11 1 - 9 0 - 18 0 - 2 2 - 6 0 - 2 1 - 7

1	2	3	4	5
GHUKANWALI	221	103/2	3	0 - 1
(Contd..)	(Contd..)	103/2	4	0 - 17
		103/9	-	2 - 8
		103/12	-	2 - 8
		103/19	1	1 - 4
		103/19	2	1 - 4
		103/22	-	2 - 9
		112/1	-	0 - 1
		112/2	-	2 - 14
		112/9	-	0 - 18
		112/10	-	1 - 17
		112/11	-	2 - 14
		112/20	-	0 - 11
		113/15	-	0 - 1
		113/16	-	1 - 19
		113/24	-	0 - 1
		113/25	-	2 - 14
		130/4	-	2 - 1
		130/5	-	0 - 13
		130/7	-	2 - 14
		130/8	-	0 - 1
		130/13	-	1 - 14
		130/14	-	0 - 12
		130/18/1	-	1 - 4

1	2	3	4	5
GHUKANWALI	221	130/18/2	-	1 - 8
(Contd..)	(Contd..)	130/19	-	0 - 1
		130/22	-	2 - 3
		130/23	1	0 - 7
		140/1	2	0 - 1
		140/2	-	2 - 13
		140/9	-	0 - 7
		140/10	-	2 - 6
		140/11	-	2 - 13
		140/20	-	0 - 9
		141/15	-	0 - 1
		141/16	-	2 - 5
		141/24	-	0 - 2
		141/25	1	2 - 0
		141/25	2	0 - 12
		156/4	-	2 - 7
		156/5	-	0 - 7
		156/7	-	2 - 11
		156/8	-	0 - 3
		156/13	-	2 - 8
		156/14	-	0 - 6
		156/18	-	2 - 6
		156/19	-	0 - 4
		156/22	-	2 - 10

1	2	3	4	5
GHUKANWALI (Contd..)	221 (Contd..)	156/23 167/1 167/2 167/9 167/10 167/11 167/20 168/15 168/16 168/24 168/25 181/4 181/5 181/7 181/8 181/13 181/14 181/18 181/19 181/22 181/23 192/1 192/2 192/9	- -	0 - 5 0 - 6 2 - 6 0 - 3 2 - 11 2 - 7 0 - 2 0 - 7 2 - 13 0 - 9 2 - 5 2 - 13 0 - 1 1 - 19 0 - 12 2 - 14 0 - 1 2 - 0 0 - 14 2 - 12 0 - 1 0 - 14 1 - 17 0 - 1

1	2	3	4	5
GHUKANWALI	221	192/10	-	2 - 14
(Contd..)	(Contd..)	192/11	1	1 - 11
		192/11	2	0 - 8
		192/20	3	0 - 1
		193/15	-	0 - 14
		193/16	-	2 - 11
		193/24	-	0 - 15
		193/25	-	1 - 17
		205/4	-	2 - 14
		205/5	-	0 - 1
		205/7	1	1 - 5
		205/7	2	0 - 12
		205/8	-	0 - 15
		205/13	-	2 - 14
		205/14	-	0 - 1
		205/18	-	1 - 17
		205/19	-	0 - 15
		205/22	-	2 - 14
		205/23	-	0 - 1
		216/1	-	0 - 16
		216/2	-	1 - 17
		216/9	2	0 - 1
		216/10	-	2 - 14
		216/11	-	0 - 4

1	2	3	4	5
GHUKANWALI	221	230	-	1 - 6
(Contd..)	(Contd..)	232	-	0 - 6
		238	-	0 - 3
		239	-	0 - 3
		247	-	1 - 9
		263	-	0 - 10
		265/8	-	0 - 8
		270	-	0 - 8
		365	-	0 - 7
		398	-	0 - 2
		403	-	0 - 3
		407	-	0 - 3
		853	-	0 - 3
		857	-	0 - 4
		858	-	0 - 16
4. JAGMALWALI	309	16/4	-	0 - 2
		16/6	-	2 - 8
		16/7	-	0 - 2
		16/14	2	1 - 17
		16/15	-	0 - 13
		16/17	1	2 - 8
		16/17	2	0 - 1
		16/23	-	0 - 1

1	2	3	4	5
JAGMALWALI	309	16/24	1	1 - 5
(Contd..)	(Contd..)	16/24	2	0 - 19
		19/3	-	1 - 5
		19/4	-	1 - 5
		19/7	-	0 - 1
		19/8	-	2 - 10
		19/13	-	2 - 10
		19/18	1	1 - 5
		19/18	2	0 - 5
		19/19	-	0 - 4
		19/22	1	2 - 3
		19/22	2	0 - 4
		19/23	-	0 - 1
		36/25	-	0 - 1
		37/2	1	0 - 2
		37/2	2	2 - 7
		37/9	-	2 - 3
		37/10	1	0 - 7
		37/11	2	2 - 4
		37/12	-	0 - 6
		37/20	1	1 - 16
		37/20	2	0 - 11
		37/21	-	2 - 8
		42/1	-	0 - 14

1	2	3	4	5
JAGMALWALI	309	43/5	-	1 - 12
(Contd..)	(Contd..)	43/6	-	2 - 10
		43/14	2	0 - 1
		43/15	1	1 - 13
		43/15	2	0 - 17
		43/16	-	1 - 4
		43/17	-	1 - 5
		43/24	-	2 - 10
		61/4	-	2 - 6
		61/7	-	1 - 6
		61/8	-	0 - 9
		61/13	-	1 - 14
		61/18	-	2 - 10
		61/22	-	0 - 7
		61/23	1	2 - 3
		69/2	2/1	0 - 1
		69/2	2/2	2 - 2
		69/3	1	0 - 1
		69/3	2	0 - 5
		69/9	-	2 - 10
		69/11	2	0 - 2
		69/12	-	2 - 8
		69/19	-	0 - 13
		69/20	-	1 - 17

1	2	3	4	5
JAGMALWALI	309	69/21	-	2 - 6
(Contd..)	(Contd..)	88/5	-	0 - 1
		88/6	-	1 - 5
		88/15	1	1 - 14
		88/15	2	0 - 15
		88/16	-	2 - 10
		88/24	1	0 - 2
		88/24	2	0 - 13
		88/25	1	1 - 10
		88/25	2	0 - 1
		89/1	-	2 - 7
		89/10	1	0 - 18
		89/10	2	0 - 5
		98/4	-	2 - 9
		98/5	-	0 - 1
		98/7	-	2 - 10
		98/13	-	0 - 7
		98/14	-	2 - 3
		98/17	-	0 - 5
		98/18	-	2 - 4
		98/23	-	2 - 10
		120/2	-	0 - 2
		120/3	-	2 - 8
		120/8	-	0 - 13

1	2	3	4	5
JAGMALWALI	309	120/9	1	1 - 0
(Contd..)	(Contd..)	120/9	2	0 - 8
		120/12	-	2 - 10
		120/19	-	2 - 10
		120/21	-	1 - 6
		120/22	-	1 - 4
		127/1	-	2 - 10
		127/10	-	2 - 10
		127/11	-	1 - 18
		127/20	-	0 - 2
		128/15	-	0 - 7
		128/16	-	2 - 4
		128/25	-	2 - 10
		152/4	-	0 - 3
		152/5	-	2 - 6
		152/6	-	0 - 10
		152/7	-	2 - 0
		152/14	-	2 - 10
		152/17	-	2 - 9
		152/18	-	0 - 1
		152/23	-	1 - 12
		152/24	1	0 - 18
		161/3	-	2 - 10
		161/8	-	2 - 10

1	2	3	4	5
JAGMALWALI	309	161/12	-	1 - 2
(Contd..)	(Contd..)	161/13	-	1 - 8
		161/18	-	0 - 1
		161/19	-	2 - 10
		161/22	-	2 - 10
		189/16	-	0 - 5
		189/25	-	1 - 19
		190/1	-	0 - 13
		190/2	-	1 - 16
		190/9	-	0 - 1
		190/10	-	2 - 4
		190/11	-	2 - 10
		190/20	-	2 - 5
		190/21	-	0 - 7
		198/5	-	2 - 10
		198/6	-	2 - 9
		198/7	-	0 - 1
		198/14	-	1 - 13
		198/15	-	0 - 17
		198/17	-	2 - 2
		234	-	1 - 0
		236	-	0 - 11
		240	-	0 - 8
		285	-	0 - 2

1	2	3	4	5
JAGMALWALI	309	289	-	0 - 8
(Contd..)	(Contd..)	295	-	0 - 2
		969	-	0 - 7
		976	-	0 - 4
		994	-	0 - 4
		1004	-	0 - 2
		1030	-	0 - 14
5. HASSU	311	5/23	-	0 - 1
		6/3	-	1 - 12
		6/8	-	2 - 7
		6/13	-	2 - 7
		6/18	-	2 - 7
		6/23	-	2 - 7
		20/3	-	2 - 7
		20/8	-	2 - 7
		20/13	-	2 - 7
		20/18	-	2 - 7
		20/23	-	2 - 7
		23/3	-	2 - 7
		23/8	-	2 - 7
		23/13	-	2 - 7
		23/18	1	1 - 17
		23/18	2	0 - 10

1	2	3	4	5
HASSU	311	23/23	1	0 - 17
(Contd..)	(Contd..)	23/23	2	1 - 11
		42/3	1	1 - 2
		42/3	2	1 - 1
		42/8	1	1 - 18
		42/8	2	0 - 9
		42/13	-	2 - 7
		42/18	-	2 - 7
		42/22	-	0 - 1
		42/23	-	2 - 7
		48/2	-	0 - 3
		48/3	-	2 - 4
		48/8	1	1 - 9
		48/8	2	0 - 12
		48/9	-	0 - 6
		48/12	1	0 - 2
		48/12	2	0 - 8
		48/13	-	1 - 18
		48/18	1	0 - 9
		48/18	2	0 - 18
		48/19	-	0 - 6
		48/22	-	0 - 12
		48/23	1	0 - 12
		69/2	2	0 - 12

1	2	3	4	5
HASSU	311	69/3	-	1 - 10
(Contd..)	(Contd..)	69/8	-	0 - 10
		69/9	-	2 - 0
		69/12	-	0 - 12
		69/19	-	2 - 18
		69/20	-	0 - 6
		69/21	-	2 - 7
		69/22	-	0 - 4
		76/1	-	2 - 7
		76/10	1	0 - 2
		77/5	-	0 - 7
		77/6	-	2 - 12
		77/14	-	0 - 8
		77/15	-	2 - 6
		77/16	-	0 - 2
		77/17	-	2 - 13
		77/23	-	0 - 7
		77/24	1	0 - 4
		77/24	2	1 - 19
		93/3	-	2 - 14
		93/4	-	0 - 1
		93/8	-	2 - 8
		93/9	-	0 - 13
		93/11	-	0 - 10

1	2	3	4	5
HASSU	311	93/12	-	1 - 18
(Contd..)	(Contd..)	93/13	-	0 - 1
		93/19	-	2 - 8
		93/21	-	0 - 1
		93/22	-	2 - 2
		102/1	-	1 - 10
		102/2	-	0 - 17
		102/9	-	0 - 11
		102/10	-	1 - 17
		102/11	-	2 - 8
		102/12	-	0 - 1
		102/20	-	2 - 8
		102/21	-	2 - 8
		113/15	-	0 - 1
		113/16	-	0 - 9
		113/25	-	1 - 7
		114/1	-	2 - 8
		114/10	-	2 - 8
		114/11	-	2 - 8
		114/20	-	1 - 17
		114/21	-	0 - 19
		121/1	-	0 - 2
		122/5	-	2 - 5
		122/6	-	2 - 8

1	2	3	4	5
HASSU	311	122/15	2	2 - 8
(Contd..)	(Contd..)	122/16	-	2 - 8
		122/25	-	2 - 8
		128/5	-	2 - 5
		128/6	-	2 - 6
		128/7	-	0 - 1
		128/14	-	0 - 17
		128/15	-	1 - 18
		128/17	-	0 - 10
		140	-	1 - 5
		144	-	0 - 10
		148	-	0 - 6
		390	-	0 - 3
		394	-	0 - 2
		397	-	0 - 2
		410	-	0 - 6
		418	-	0 - 2
		422	-	0 - 4
		430	-	0 - 3

[F. No R-31015/6/2001 OR-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 30 मई, 2002

का.आ. 1802.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962) (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, उक्त अनुसूची के स्तम्भ (2) में उल्लिखित क्षेत्र के संबन्ध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों के निर्वहन करने के लिए नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को प्राधिकृत करती है, अर्थात् :-

अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री श्याम विनायक घिरनीकर	महाराष्ट्र राज्य में पेट्रोनेट सी आई
17 'मृगछाया'	लिमिटेड की सेन्ट्रल इण्डिया पाइपलाइन
मार्डन नागपुर हाउसिंग सोसाइटी	परियोजना के लिए भूमि में उपयोग के
छत्रपति नगर, वरधा रोड,	अधिकार का अर्जन करने के लिए।
नागपुर-440015	

[फा. सं. आ. 25015/1/2002/ओ.आर. 1]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 30th May, 2002

S. O. 1802.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of the area mentioned in column (2) of the said Schedule :

Schedule

Name and address of the authority	Area of Jurisdiction
1.	2.
Shri Shyam Vinayak Ghirnikar, 17, 'Mrugchhaya' Modern Nagpur Hsg. Society, Chhatrapati Nagar, Wardha Road, Nagpur-440015	For acquisition of right of use in land for Central India Pipeline Project of Petronet CI Ltd. in the State of Maharashtra.

[F. No R-25015/1/2002 OR-1]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 30 मई, 2002

का. आ. 1803.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962) की धारा 2 के खण्ड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्तियों को, उस अनुसूची के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र की बाबत, मैसर्स पेट्रोनेट सेंट्रल इंडिया लिमिटेड, वडोदरा, जिसका रजिस्ट्रीकृत कार्यालय वडोदरा में है, द्वारा मध्य प्रदेश राज्य में ई ओ एल/आर पी एल परिष्करणी से बाड़ीनार से डामुद (कोयली) नागपुर और कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाए जाने के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है;

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
1. श्री देव शंकर मिश्रा 146 (बी) सेक्टर बी, शाहपुरा, भोपाल (मध्य प्रदेश)	मध्य प्रदेश राज्य
2. श्री भानु प्रकाश तिवारी सेवानिधृत उप कलक्टर 692, सुदामा नगर, (सेठी गेट सेक्टर) इन्दौर (मध्य प्रदेश)	मध्य प्रदेश राज्य

[फा. सं. आर. 25011/10/2002/ओ.आर. 1]
एस. एस. केमवाल, अवर सचिव

New Delhi, the 30th May, 2002

S. O. 1803.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby authorises the persons mentioned in column (1) of the Schedule below to perform the functions of the competent authority under the said Act for laying of the pipeline by M/s. Petronet CI Limited, Vadodara having its registered office at Vadodara for transportation of petroleum products from EOL/RPL refineries in the State of Gujarat from Vadinar to Dumand (Koyali) – Nagpur and Kota in respect of the area mentioned in the corresponding entry in column (2) thereof

SCHEDULE

Name and address of the person	Area of jurisdiction
(1)	(2)
1. Shri Deo Shankar Mishra 146 (B), Sector B, Shahpura, Bhopal (Madhya Pradesh)	State of Madhya Pradesh
2. Shri Bhanu Prakash Tiwari, Retired Deputy Collector, 692, Sudama Nagar, (Sethi Gate Sector) Bhopal (Madhya Pradesh)	State of Madhya Pradesh

[F. No. R-25011/10/2002 OR-I]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 30 मई, 2002

का. आ. 1804.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 की धारा 2 के खंड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उस अनुसूची के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र की बाबत, मैसर्स पेट्रोनेट सेन्ट्रल इंडिया लिमिटेड, बदोदरा जिसका रजिस्ट्रीकृत कार्यालय बदोदरा में है, द्वारा गुजरात राज्य में ई.ओ.एल./आर.पी.एल. परिष्करणी से बाढ़ीनार से डामुद (कोयली) नागेपुर और कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाए जाने के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती हैं :

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
1. श्री वी.जे. राजपूत उप कलक्टर (गुजरात राज्य में प्रतिनियुक्ति पर) विशेष भूमि अर्जन अधिकारी, इंडियन ऑयल कॉरपोरेशन लिमिटेड, 14/ए, सूर्या नगर सोसाइटी, अयोधिया रोड, बदोदरा-390019 (गुजरात)	गुजरात राज्य

श्री वी.जे. राजपूत, उप कलक्टर, गुजरात राज्य में इंडियन ऑयल कॉरपोरेशन लिमिटेड में अपने वर्तमान कार्यों के साथ-साथ पेट्रोनेट सेन्ट्रल इंडिया लिमिटेड को सेन्ट्रल इंडिया पाइपलाइन परियोजना के लिए सक्षम प्राधिकारी के कृत्यों का पालन करेंगे।

[फा. सं. आर. 25011/10/2002/ओ.आर. I]

एस. एस. केमबाल, अवर सचिव

New Delhi, the 30th May, 2002

S. O. 1804.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Central Government hereby authorises the person mentioned in column (1) of the Schedule below to perform the functions of the competent authority under the said Act for laying of the pipeline by M/s. Petronet CI Limited, Vadodara having its registered office at Vadodara for transportation of petroleum products from EOL/RPL refineries in the State of Gujarat from Vadinar to Dumand (Koyali) – Nagpur and Kota in respect of the area mentioned in the corresponding entry in column (2) thereof :

SCHEDULE

Name and address of the person (1)	Area of jurisdiction (2)
Shri V.J Rajput, Deputy Collector, (on deputation from State of Gujarat) Special Land Acquisition Officer Indian Oil Corporation Limited 14/A, Surya Nagar Society Waghodia Road, Vadodara 390 019 Gujarat	State of Gujarat

2. Shri V.J. Rajput, Deputy Collector, will perform the functions of the competent authority for Central India Pipeline Project of Petronet Central India Limited in addition to his present works with Indian Oil Corporation Limited in the State of Gujarat.

[F No R-25011/10/2002 OR-I]
S S KEMWAL, Under Secy.

नई दिल्ली, 30 मई, 2002

का. आ. 1805.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई अपरिष्कृत तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिये यह आवश्यक प्रतीत होता है कि उस भूमि में जो इस अधिसूचना से सलान अनुसूची में वर्णित है और जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाये;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्तिअउक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में आक्षेप, श्री जे. के. आहूजा, सक्षम प्राधिकारी, सलाया-मथुरा पाइपलाइन (संवर्द्धन) परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कोठी नं. 1439, सेक्टर -15, अरबन इस्टेट, सोनीपत-131001(हरियाणा) को लिखित रूप में भेज सकेगा ।

तहसील: झज्जर

जिला: झज्जर

राज्य: हरियाणा

गाँव का नाम	हृद्देश संख्या	मुस्ततील संख्या	खसरा/किला संख्या	क्षेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
1	2	3	4	5	6	7
अहरी	246	-	175	0	01	77
रायपुर	236	-	247	0	00	51
गिजाड़ोद	260	32	20/1	0	05	31
झज्जर	100	21	17/1	0	00	51
			17/2	0	06	32
	296		2/1/1	0	05	06
	340		17/1	0	09	36
			24/2	0	00	25
	341		10/1	0	05	56
			1311/1	0	00	25
			1318/3	0	00	76
			1669/2	0	00	51
			1707/3	0	01	77
गरावड़	106	68	5	0	02	78
			118/1	0	00	51
			120/2	0	02	78
			155	0	00	25

New Delhi, the 30th May, 2002

S. O. 1805.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of users in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of users therein;

Any person interested in the land described in the said Schedule may, within twentyone days from the date on which the copies of the notification issued under sub section (I) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri J.K. Ahuja, Competent Authority, Salaya-Mathura Pipeline (Augmentation) Project, Indian Oil Corporation Ltd.,Kothi No. 1439 , Sector-15, Urban Estate , Sonepat (Haryana) – 131001.

Tehsil:Jhajjar **Dist:Jhajjar** **State:Haryana**

Name of Village	Hadbast No.	Mustatil No.	Khasra/ Killa No.	Area		
				Hectare.	Are.	Sq.Mtr.
1	2	3	4	5	6	7
Ahri	246	-	175	0	01	77
Raipur	236	-	247	0	00	51
Gijaroad	260	32	20/1	0	05	31
Jhajjar	100	21	17/1	0	00	51
			17/2	0	06	32
	296	2/1/1	0	0	05	06
			340	17/1	0	09
	341	10/1	24/2	0	00	36
			1311/1	0	00	25
	1318/3	1318/3	1318/3	0	00	76
			1669/2	0	00	51
			1707/3	0	01	77

1	2	3	4	5	6	7
Garawar	106	68	5	0	02	78
			118/1	0	00	51
			120/2	0	02	78
			155	0	00	25

[F. No. R-25011/24/2002 OR-I.]
S. S. KEMWAL, Under Secy.

नई दिल्ली, 30 मई, 2002

का. आ. 1806.— केन्द्रीय सरकार, पैट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये भारत के राजपत्र, भाग I, खण्ड-3, उपखण्ड (ii) तारीख 18 अगस्त, 2001 के पृष्ठ 4169 से 4208 पर प्रकाशित भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2068, तारीख 9 अगस्त 2001 में निम्नलिखित संशोधन करती हैं

अर्थातः—

उक्त अधिसूचना की अनुसूची में,—

- (क) पृष्ठ 4169 से पृष्ठ 4203 पर, स्तंभ 1 में आने वाले गांव "झज्जर" के सामने, स्तंभ 2 में आने वाली हदबस्त संख्या "100" में—
- (अ) स्तंभ 3 में आने वाले मुस्तातील संख्या "7" में,—
- (i) स्तंभ 4 में आने वाले खसरा/किला संख्या "6" में स्तंभ 5, 6 और 7 में आने वाले "0-10-12" क्षेत्र के स्थान पर "0-10-88" क्षेत्र रखा जायेगा;
- (ii) स्तंभ 4 में आने वाले खसरा/किला संख्या "15/1" में स्तंभ 5, 6 और 7 में आने वाले "0-06-32" क्षेत्र के स्थान पर "0-07-84" क्षेत्र रखा जायेगा;
- (iii) स्तंभ 4 में आने वाले खसरा/किला संख्या "15/2" में स्तंभ 5, 6 और 7 में आने वाले "0-01-52" क्षेत्र के स्थान पर "0-02-02" क्षेत्र रखा जायेगा;
- (iv) स्तंभ 4 में आने वाले खसरा/किला संख्या "16/1" में स्तंभ 5, 6 और 7 में आने वाले "0-05-06" क्षेत्र के स्थान पर "0-07-08" क्षेत्र रखा जायेगा;
- (v) स्तंभ 4 में आने वाले खसरा/किला संख्या "25/1" में स्तंभ 5, 6 और 7 में आने वाले "0-02-02" क्षेत्र के स्थान पर "0-02-53" क्षेत्र रखा जायेगा;
- (ख) स्तंभ 3 में आने वाले मुस्तातील सं. "136" में, खसरा/किला "4/1" में स्तंभ 5, 6 और 7 में आने वाले "0-01-09" क्षेत्र के स्थान पर "0-01-14" क्षेत्र रखा जायेगा;

(आ) पृष्ठ 4186 से पृष्ठ 4188 पर, रत्नम् 1 में आने वाले गांव "गरावड़" के सामने, रत्नम् 2 में आने वाली हृदबस्त संख्या "106" में—

(क) रत्नम् 3 में आने वाले मुस्ततील संख्या "48" में,—

(i) रत्नम् 4 में आने वाले खसरा/किला संख्या "25" में रत्नम् 5,6 और 7 में आने वाले "0-03-04" क्षेत्र के स्थान पर "0-09-61" क्षेत्र रखा जायेगा;

(ख) रत्नम् 3 में आने वाले मुस्ततील संख्या "49" में,—

(i) रत्नम् 4 में आने वाले खसरा/किला संख्या "11/1" में रत्नम् 5, 6 और 7 में आने वाले "0-01-26" क्षेत्र के स्थान पर "0-01-52" क्षेत्र रखा जायेगा,

(ii) रत्नम् 4 में आने वाले खसरा/किला संख्या "11/2" में रत्नम् 5, 6 और 7 में आने वाले "0-03-79" क्षेत्र के स्थान पर "0-04-81" क्षेत्र रखा जायेगा;

(ग) रत्नम् 3 में आने वाले मुस्ततील संख्या "68" में,—

(i) रत्नम् 4 में आने वाले खसरा/किला संख्या "7" में रत्नम् 5,6 और 7 में आने वाले "0-11-13" क्षेत्र के स्थान पर "0-12-14" क्षेत्र रखा जायेगा,

(ii) रत्नम् 4 में आने वाले खसरा/किला संख्या "25/1" में रत्नम् 5, 6 और 7 में आने वाले "0-04-55" क्षेत्र के स्थान पर "0-05-06" क्षेत्र रखा जायेगा,

(ख) रत्नम् 3 में आने वाले मुस्ततील सं. "90" में, रत्नम् 4 में आने वाले खसरा/किला सं. "22" में रत्नम् 5, 6 और 7 में आने वाले "0-00-76" क्षेत्र के स्थान पर "0-03-04" क्षेत्र रखा जायेगा।

(ड.) रत्नम् 3 में आने वाले मुस्ततील सं. "97" में, रत्नम् 4 में आने वाले खसरा/किला सं. "5" में रत्नम् 5, 6 और 7 में आने वाले "0-02-78" क्षेत्र के स्थान पर "0-05-06" क्षेत्र रखा जायेगा।

[फा. मं. आर. 25011/24/2001/ओ. प्रार. 1]
एम. एम. कमबाल, अवर मर्जिव

New Delhi, the 30th May, 2002

S. O. 1806.—In exercise of the powers conferred by the Sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2068 dated the 9th August, 2001 published at pages 4169 to 4208, in part II Section 3, Sub-Section (ii) of the gazette of India, dated the 18th August, 2001 namely :-

In the schedule to the said notification:-

- (a) At pages 4201 to 4203 , against village “Jhajjar” occurring in column 1, in Hadbast No. “100”, occurring in column 2,-
(A) In Mustatil No. “7”, occurring in column 3,-
 - (i) In Khasra/Killa No.“6”, occurring in column 4, for the area “0-10-12”, occurring in columns 5,6 and 7 , the area “0-10-88”shall be substituted;
 - (ii) In Khasra/Killa No.“15/1”, occurring in column 4, for the area “0-06-32”, occurring in columns 5,6 and 7 , the area “0-07-84”shall be substituted;
 - (iii) In Khasra/Killa No.“15/2”, occurring in column 4, for the area “0-01-52”, occurring in columns 5,6 and 7 , the area “0-02-02”shall be substituted;
 - (iv) In Khasra/Killa No.“16/1”, occurring in column 4, for the area “0-05-06”, occurring in columns 5,6 and 7 , the area “0-07-08”shall be substituted;
 - (v) In Khasra/Killa No.“25”, occurring in column 4, for the area “0-02-02”, occurring in columns 5,6 and 7 , the area “0-02-53”shall be substituted;
- (B) In Mustatil No. “136”, occurring in column 3, in Khasra/Killa No. “4/1”, for the area “0-01-09”, occurring in column 5,6 and 7, the area “0-01-14”shall be substituted;
- (b) At pages 4207 to 4208 , against village “Garawar”, in column 1, in Hadbast No. “106”, occurring in column 2,-

(A) In Mustatil No. "48", occurring in column 3,-

(i) In Khasra/Killa No."25", occurring in column 4, for the area "0-03-04", occurring in columns 5,6 and 7 , the area "0-09-61"shall be substituted;

(B) In Mustatil No. "49", occurring in column 3,-

(i) In Khasra/Killa No."11/1", occurring in column 4, for the area "0-01-26", occurring in columns 5,6 and 7 , the area "0-01-52"shall be substituted;

(ii) In Khasra/Killa No."11/2", occurring in column 4, for the area "0-03-79", occurring in columns 5,6 and 7 , the area "0-01-51"shall be substituted;

(c) In Mustatil No. "68", occurring in column 3,-

(i) In Khasra/Killa No."7", occurring in column 4, for the area "0-11-13", occurring in columns 5,6 and 7 , the area "0-12-14"shall be substituted;

(ii) In Khasra/Killa No."25/1", occurring in column 4, for the area "0-04-55", occurring in columns 5,6 and 7 , the area "0-05-06"shall be substituted;

(D) In Mustatil No. "90", occurring in column 3, in Khasra/Killa No. "22", occurring in column 4, for the area "0-00-76",occurring in columns 5, 6 and 7, the area "0-03-04"shall be substituted,-

(E) In Mustatil No. "97", occurring in column 3, in Khasra/Killa No. "5", occurring in column 4, for the area "0-02-78"occurring in columns 5, 6 and 7, the area "0-05-06"shall be substituted;

श्रम मंत्रालय

नई दिल्ली, 2 मई, 2002

का.आ. 1807.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल वेरस्हाउसिंग कार्पोरेशन के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 90-2000) की प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2002 को प्राप्त हुआ था।

[स. एल-42012/3/2000-आई आर(एम)]
बी.एम. डेविड, अवर सचिव

MINISTRY OF LABOUR

New Delhi, the 2nd May, 2002

S.O. 1807.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 90/2000) of the Central Government Industrial Tribunal, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Warehousing Corpn. and their workman, which was received by the Central Government on 2-5-2002.

[No. L-42012/3/2000-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer.

I.D. No. 90/2000

Ref. No. L-42012/3/2000-IR(M) dated 29-8-2000

BETWEEN

Central Warehousing Corporation Employees Union, The General Secretary, (LKO) Region 93/9 Grain Mkt. Ganeshganj, Lucknow (U.P.)-226010

AND

The Regional Manager, Central Warehousing Corporation Regional Office, Bibhuti Khand, Gorhti Nagar, Lucknow

AWARD

By order No. L-42012/3/2000-IR(M) dated 29-8-2000, the Central Government in the Ministry of Labour in exercise of powers conferred by clause (d) of sub section (1) and section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, Central Warehousing Corporation employees Union and the Regional Manager, Central Warehousing Corporation, Lucknow for adjudication.

The reference under adjudication is as under :

1. Whether the Management of Central Warehousing Corporation Lucknow was justified in not promoting Vishambhar Dayal, W.A.-I in the year 1996? If not what relief the workman is entitled to?"

2. Shortly put : the case of the workman, Vishambhar Dayal, is that 3 per cent reservation for physically handicapped employees of the Central Warehousing Corporation (hereinafter to be referred as P.H. employees) was granted on promotional post in group 'C' vide circular No. 253 dated 5-5-1992 ; that as per reservation roster system in vogue since 16th June, 1991 those at point 33, 67 and 100 in the cycle of 100 were to be promoted in the said quota of the P.H. ; that Circular No. 6-90/91-SG|Govt. of India, New Delhi dated 16th June, 1991 laid down criteria for the orthopaedically handicapped in favour of only those having minimum 40 per cent of physical defect or deformity ; that a seniority list of WA-II in the pay scale of Rs. 1450-2190 in Lucknow Region was drawn effective from 1-1-96 ; that the name of the workman was at Sl. No. 120 ; and that of B. K. Singh at Sl. No. 16 and Miss Nisha Mehrotra at Sl. No. 72 respectively against P.H. quota ; that B. K. Singh and Miss Nisha Mehrotra had not filed appropriate certificates showing 40 per cent defect or deformity to make them eligible in the quota of P.H. and so, they should have been treated in general category.

3. By Office Order No. CWC|RO-LKO|Est.|Rectt. (PROM)|1688 dated 1-8-96, as managers 83 WAS-II were promoted in higher grade of WA-T as per policy of the Corporation to remove stagnation ; and that the workman was not considered in the said promotion w.e.f. 1-8-96. The grievance of the workman is, that B. K. Singh and Miss Nisha Mehrotra were wrongly considered against P.H. quota whereas, they should have been treated in general category. Further more, the case of the workman is that some other employees namely Smt. Manjeet Kaur and Ram Pati Verma were wrongly considered for promotion in higher grade since their date of joining in Lucknow Region was 17-2-88 and 13-8-90 respectively i.e. after 31-12-1982. By this arbitrary action promoting ineligible persons, his right was defeated rendering him junior to those at Sl. Nos. 172 and 174 in the seniority list of WA-II. The workman claims his promotion w.e.f. 1-8-96 with consequential benefits. It is not denied that he was promoted later in the year 1998.

4. The management of Central Warehousing Corporation (hereinafter to be referred as CWC) has not denied seniority list dated 1-1-96 and placement of the workman at Sl. No. 120. It has also admitted that B. K. Singh and Miss Nisha Mehrotra were shown in the P.H. quota. However, it asserts that the inclusion of these two employees was on the basis of their being physically handicapped. The certificates showing percentage of defect and deformity were filed later but late filing of the certificates would not render them junior to the workman in P.H. category. The management also states that promotion w.e.f. 1-8-96 was in compliance of a

policy decision to provide higher grade to those WA-II employees who were inducted in service on or before 31-12-1982. It was not promotion by selection on seniority cum merit but promotion in higher grade of WA-I. In fact it was promotion in higher grade and not promotion on higher posts. In view of this policy, Smt. Manjeet Kaur at Sl. No. 173 and Ram Pati Verma Sl. No. 184 were considered as they were born in the service of the Corporation before 31-12-1982 though on transfer in Lucknow Region, their date of appointment were shown 17-2-88 and 13-8-90 respectively. The management placed reliance on D.O. No. CWC|V-17|Recd. 96 dated 14-6-96 by which direction was issued to remove stagnation of various categories of employees including WAG-II by the Board of Directors in their meeting held on 5-6-96. The Board of Directors approved proposal to upgrade posts for WWA-I to accommodate all those employees appointed on or before 31-12-1982 to the next available higher grade. The promotional list w.e.f. 1-8-96 was in compliance of the said decision of the Board of Directors. The date of initial appointments of Mrs. Manjeet Kaur and Ram Pati Verma were before 31-12-1982 and so they were entitled to be considered for higher grade. Their seniority was not permitted to improve in such circumstances. Their earlier service tenure in other regions were not forfeited on acceptance of lower seniority on transfer to Lucknow Region.

5. The workman was not entitled to be included in the promotional list dated 1-8-96 for reasons that he was born in service on 9-6-1983 i.e. after 31-12-1982. The Board of Directors decided to provide higher grade only to those born in the employment of the Central Warehousing Corporation on or before 31-12-1982. Obviously, the workman was ineligible to be considered. His grievance that B. K. Singh and Miss Nisha Mehrotra were wrongly considered as P.H. candidates is also not correct. Both were shown P.H. in the seniority list dated 1-1-1996. The workman had not raised any grievance to their inclusion in the P.H. quota. It is not open to him to question their inclusion in P.H. quota at this belated stage. Their inclusion in P.H. quota may have been provisional, which on filing of the certificates stood regularised. They were rightly included in the promotional list. In any way, they were born in service from before 31-12-82 and so were entitled to promotion against P.H. Category. They were rightly not treated in general category. The grievance of the workman is not justified.

6. Coming to the case of Smt. Manjeet Kaur and Ram Pati Verma, it need be stated that these employees were born in service, initially, before 31-12-1982 and so were entitled to higher grade as per policy of the Corporation. No doubt, they were not given seniority at Lucknow Region in consequence of their respective transfer but their waiver of seniority would not effect their initial appointments. Their earlier services would not stand forfeited. They were not promoted to WA-I posts on seniority-cum-merit basis but only in higher grade. So, while considering seniority in WA-I they would not be senior to those who had been senior in the feeder cadre of WA-II. Promotion on

a higher post and promotion on a higher grade are different incidence of service and can not be mixed to deny vested right of an employee. In the present case, the promotion is on the higher grade to remove stagnation. It does not give preference to juniors to be seniors over those who had been their senior in WA-II cadre.

7. As discussed above, the workman was not eligible to promotion in the higher grade w.e.f. 1-8-96 as he was born in service later to 31-12-82. The action of the management was not unjustified in denying promotion to the workman, Vishambhar Dayal, in the year 1996.

8. Award is answered against the workman.

LUCKNOW

19-4-2002

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 2 मई, 2002

का.आ. 1808.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माईन लि. के प्रबंधसंच के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बैंगलोर के पंचाट (संदर्भ संख्या 1/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2002 को प्राप्त हुआ था।

[सं.एन-43012/22/2000-आई आर(एम)]

बी.एम. डेविड, अवर मन्त्री

New Delhi, the 2nd May, 2002

S.O. 1808.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2001) of the Central Government Industrial Tribunal, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Gold Mine Ltd. and their workman, which was received by the Central Government on 2-5-2002.

[No. L-43012/22/2000-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
"SHRAM SADAN"

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 15th April, 2002

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com., LLB.,
Presiding Officer.

CGIT-CUM-LABOUR COURT, BANGALORE

C.R. No. 1/2001

I PARTY	II PARTY
Shri Kannan, Rep. by Shri Savarid, Marikuppam Post, Kolar Gold Field-563120	The Managing Director, Bharat Gold Mines Ltd. Oorgaum Post, Kolar Gold Field-563120

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-43012/22/2000/IR(M) Dated 8th January, 2001 for adjudication on the following schedule :

SCHEDEULE

“Whether the claim of Shri Khannan, for adapting the following formula for the payment of Voluntary Retirement Scheme dues is proper ? If not, to what relief the workman is entitled ?

Last drawn wage x 30 days x No. of Years.

26 days

2. This is a dispute raised by the workman regarding payment of Voluntary Retirement Benefits and the scheme. After receipt of the reference notices were sent to the parties.

3. It is seen from the records that since the beginning the workman remained absent. For the management Vakalat is filed. No claim statement is filed by the workman. It appears that the workman is not interested in this dispute.

4. Accordingly I proceed to pass the following Order :

ORDER

The reference is rejected.
(Dictated to PA transcribed by her corrected and signed by me on 15th April, 2002.)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 2 मई, 2002

का.आ. 1809.—औद्योगिक विदाव अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड स्टीवेडर्स के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विदाव में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम चयापालय इरनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 2-5-2002 को प्राप्त हुआ था।

[सं.एल-44011/3/94-आई आर(एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd May, 2002

S.O. 1809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ernakulam as shown in the Annexure

in the Industrial Dispute between the employers in relation to the management of United Stevedores and their workman, which was received by the Central Government on 2-5-2002.

[No. L-44011/3/94-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(In the Labour Court, Ernakulam)

(Wednesday the 27th day of March, 2002)

PRESENT :

Smt. N. Thulasi Bai, B.A., LL.B., Presiding Officer.
Industrial Dispute No. 20 of 1996 (Central)

BETWEEN

The President, United Stevedores' Association of Cochin (P) Ltd., Indira Gandhi Road, Willington Island.

AND

The workman of the above concern Sri K. R. Babu and another United Stevedores Association of Cochin (P) Ltd

REPRESENTATIONS :

M/s. P. F. Thomas, Advocate, Ernakulam.	For Management
Sri A. X. Varghese, Niyamavedi, Cochin-682001.	For Workman

AWARD

This reference was made by the Central Government as per letter No. L-44011/3/94-IR (Misc.) dated 26-9-1996. The dispute is between the President, United Stevedores' Association and three unions representing the workmen. The dispute referred is :

“Whether the demand of Cochin Port Thozhilali Union, Cochin Port Labour Union and Cochin Thuramugha Thozhilali Union for inclusion of Shri K. R. Babu, K. A. Joseph, K. S. Lenin, T. A. Philip and P. J. Santhosh in the high stacking workers pool which was formed as per the settlement dated 19-6-93 under Section 12(3) of the I.D. Act is justified ? If so, to what relief the above said workers are entitled to ?”

2. Pursuant to notices issued from this court, third union and the management appeared through counsel. Thereafter at the instance of two workers they were impleaded as additional parties 4 and 5 in the proceedings. Third union filed a claim statement and the management filed a written statement. No claim statement was filed by the additional parties and the case was pending for evidence. In spite of repeated chances

the 3rd union and additional parties 4 and 5 have not turned upto adduce evidence supporting their claims. Today when the case was called the union representative and their counsel and additional parties 4 and 5 and their counsel were absent. The management was represented. Considering the absence of the parties I am satisfied that the union which has appearance and the additional parties are not interested in prosecuting the dispute. So it can be found that there is no dispute existing at present between the parties to be adjudicated by this court.

In the result, an award is passed finding that there exists no industrial dispute at present to be adjudicated by this court.

Ernakulam,

27-3-2002.

N. THULASI BAI, Presiding Officer

नई दिल्ली, 2 मई, 2002

का.आ. 1810.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दामोदर सीमेंट एंड स्लैम लि. के प्रबंधतत्व के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट (संझर्म संख्या 46/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2002 को प्राप्त हुआ था।

[स.प्ल-29011/16/98-आईआर (एम)]

बी.एम. डेविड, अक्षर सचिव

New Delhi, the 2nd May, 2002

S.O. 1810.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 46/1998) of the Central Government Industrial Tribunal Asansol now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Damodar Cement & Slag Ltd. and their workman, which was received by the Central Government on 2-5-2002

[No. L-29011/16/98-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT :

Shri Ramjee Pandey, Presiding Officer.

Reference Number 46 of 1998.

PARTIES :

Damodar Cement and Slag
Ltd.

Management

Versus

1. Shri Mahadev Mondal.
2. Paresh Ghosh,

3. Kapildeo Dey,
4. Janardan Mishra,
5. Subhash Mishra,
6. Smt. Aloka Bouri,
7. Shri Dilip Majhi,
8. Shri Subhash Gope,
9. Shri Narayan Sarkar,
10. Shri Subrata Mitra.

APPEARANCES :

For the management.—Shri P. K. Das, Advocate.

For the Workman (Union).—Shri Hiralal Mukherjee, Working President, Damodar Cement and Slag Ltd. Workers' Union.

INDUSTRY : Coal.

STATE : West Bengal.

Dated : 2-4-2002

AWARD

In exercise of powers conferred by the clause(d) of Sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947, Government of India through the Ministry of Labour vide its order No. L-29012/16/98-IR(M) dated 19-8-98 has referred the following dispute for adjudication by this Tribunal.

“Whether the action of the management of Damodar Cement and Slag Ltd. in not regularising the 10 canteen workers namely S|Shri Mahadev Mondal, Paresh Ghosh, Kapildeo Dey, Janardan Mishra, Subhash Mishra, Smt. Aloka Bouri, Dilip Majhi, Subhash Gope, Narayan Sarkar and Subrata Mitra is justified? If not, to what relief the workmen are entitled to?”

In response to the summons issued from this Tribunal both the parties appeared. Shri Hiralal Mukherjee, Working President of the Union appeared and filed a petition stating therein that the workmen are not interested to proceed with the dispute with a view to maintain industrial harmony and peace for their greater interest and accordingly a prayer has been made therein to pass a No Dispute Award. Shri Hiralal Mukherjee, Working President of the Union personally submitted a petition and made a prayer that No Dispute Award may be passed. Shri P. K. Das, Advocate appeared for the management and also submitted that in view of the petition filed by the Union the dispute may be disposed of.

From the above facts it is clear that the workmen are not interested to contest the dispute and hence at present the dispute does not exist and accordingly a No Dispute Award is passed.

Sd/-
RAMJEE PANDEY, Presiding Officer

नहीं दिल्ली, 2 मई, 2002

का.आ. 1811.—ओर्डोरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसूर मिनरल लि. के प्रबंधताव के संबंध तियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डोरिंग विवाद में केन्द्रीय सरकार ओर्डोरिंग अधिकारण बैंगलोर के बंडल (संख्या 4/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2002 को प्राप्त हुआ था।

[सं. एल-29012/2/97-आई आर(एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd May, 2002

S.O. 1811.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/98) of the Central Government Industrial Tribunal Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mysore Minerals Ltd. and their workman, which was received by the Central Government on 2-5-2002.

[No. L-29012/2/97-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, "SHRAM SADAN"

III MAIN, III CROSS, II PHASE, TUMKUR ROAD,
YESHWANTHPUR, BANGALORE

Dated : 15th April, 2002

PRESENT :

Hon'ble Shri V. N. Kulkarni, B.Com, LL.B,
Presiding Officer.

CGIT-CUM-LABOUR COURT, BANGALORE.

C.R. No. 4/98

I PARTY

K. M. Byregowda,
Ex. Supervisor,
Byrapura Chromite Mines,
Kambalur Post,
Channarayapatna Taluk,
Hassan district.

II PARTY

The Chairman and
Managing Director
Mysore Minerals Ltd.,
No. 39, M.G. Road,
Bangalore-560001.

AWARD

The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947

has referred this dispute vide order No. 29012/2/89/97/IR (Misc.) dated 31st December, 1997 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Mysore Minerals Ltd. in dismissing Shri K. M. Byre Gowda from service with effect from 23rd February, 1994 is justified? If not, to what relief he is entitled?"

2. The first party workman was working with the management. He was dismissed from service and therefore, Industrial dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively.

4. The case of the First party in brief is as follows:

5. The 1st Party Workman was appointed by the 2nd Party Management during the year 1981 and after regular promotions, he was given the designation as Supervisor.

6. It is the further case of the 1st Party Workman that though he was designated as Supervisor, he was discharging only clerical nature of jobs as directed by the officials/supervisors without having any managerial, administrative and supervisory capacity. He was illegally dismissed from service with effect from 23rd February, 1994 and the action of the management is not correct.

7. It is the further case of the 1st Party workman that by his best efforts he formed the trade union in the year 1992 and he was taking active role in fighting for better service conditions of the workman. Therefore the management had developed most adamant and hostile attitude towards him. There was some incident as stated in para 5 and 6 of the Claim Statement. The workmen are governed by the Standing Orders of the Company. The Standing Orders do not enable the 2nd Party management to initiate simultaneously criminal proceedings as well as departmental enquiry proceedings.

8. It is his further case that enquiry was initiated against him. Regarding Enquiry it is stated in paras 9, 10, 11 and 12 that the same is not correct and proper procedure was not followed.

9. It is his further case that the chargesheet was very vague. The first party has not committed any misconduct. The finding of the enquiry officer is that the enquiry was not proper. No proper evidence was adduced by the management to prove the charges. First party workman without any job is facing very hardship. Workman for these reasons and for some other reasons has prayed to pass award in his favour.

10. Against this the case of the management in brief is as follows :

11. The claim is not maintainable. The first party workman is not entitled for any relief. The first party was appointed as a Supervisor purely on temporary basis. He was only Supervisor and not a clerk at any time. The management has said that the first party was taking active role in fighting for better service conditions and fight against the unfair labour practices

and the contention of the first party workman that the management developed most adamant and hostile attitude towards him is not correct. All the allegations made by the workman are not correct. In para 4 it is said that it is true that a trade union under the name and style of Mysore Minerals Employees Association was formed during the year 1991 and the first party workman represented himself to be a representative of the said Union. The 2nd Party with a view to determine the strength of the trade unions functioning in the company at that time, had arranged for a referendum through the State Labour Department and the Mysore Minerals Employees Association gained majority support in the said referendum and it was recognized by the management of the second party. On 13-8-1983 a section of workers of the mine started agitation abruptly demanding for supply of Polyester uniforms instead of cotton uniforms. Although the supply of Polyester Uniforms to the workmen was a policy matter, the then Managing Director of the Company, at the request of the Mine Manager of Byrapur Chromite Mine, had agreed for the same and accordingly the mines Manager informed the agitating workers.

12. The police complaint was lodged and the management has said in paras 6 and 7 of the counter about the Criminal Case.

13. Regarding enquiry it is said that the same is correct and the enquiry is proper. All details are stated in Paras 9 to 17 of the Counter. Management for these reasons and for some other reasons has prayed to reject the reference.

14. It is seen from the records that this Tribunal by its order dated 16th September, 1999 has held that the Domestic Enquiry is not fair and proper and preliminary issue is answered in negative.

15. It is seen from the orders of this Tribunal that this tribunal has said in the order passed on Domestic Enquiry that since the 2nd Party have not made any prayer that in the event this issue is held against them, they shall be permitted to prove the misconduct independently by examining the witness before this Tribunal and it is also said that this dispute requires examination on merits.

16. It is seen from the records that this Tribunal has adjourned the case permitting the management to lead evidence. Time was granted and subsequently management examined MW1, the Law Officer. His evidence is that the first party was working as Supervisor. In the year 1993 there was strike asking Polyester Clothes. He has given evidence saying that some workers assaulted the Manager and caused minor injuries and Police complaint was lodged. It is also said that show cause notice was issued to the first party and enquiry was held against him and on the basis of the enquiry report he was dismissed from service. MW1 has stated in his cross examination that he does not know whether Shri Antony has withdrawn his complaint. He further says in his cross examination that he has no personal knowledge about the incident and the charges against the first party. With this cross examination it is clear that the evidence of MW1 will not help the management to prove any incident that too particularly against the first party workman.

17. It is seen from the records that workman got examined himself and has given evidence saying that the Domestic Enquiry conducted is not fair and proper. I have already said that this tribunal has held that the Domestic Enquiry is not fair and proper. In view of this now the management can prove case against the first party by adducing independent evidence to prove the charges. For the reasons best known to the management to prove the charges it has not adduced any evidence so as to say that the charges are proved against the first party workman.

18. I have carefully gone through the charges framed against the first party workman. The evidence of MW1 is not sufficient to prove any of the charges against the first party workman.

19. The learned counsel appearing for the workman has relied the decision reported in (1999) 1 Supreme Court Cases 517. I have read the above decision carefully.

20. Keeping in mind the principles held in the above decision of the Hon'ble Supreme Court of India it is clear that in this case when the Domestic Enquiry is held as not fair and proper management has to lead evidence to justify its action of dismissal, I have already said that the evidence of MW1 is not sufficient to prove any of the charges.

21. During the course of argument, the Law Officer of the Company however, has submitted that the manager who lodged the police complaint has withdrawn the complaint and he has resigned from the post of the Company. With this it is clear that the Police Complaint lodged by the then Manager, Shri Antony was withdrawn and the incident which as alleged by the management is not proved. Absolutely charges leveled against the first party workmen are not proved at all.

22. Taking all this into consideration the management has failed to prove the case against the first party workman. It was submitted by the Law Officer of the Company that the management is running in loss and he has no objection if reinstatement is ordered without any back wages.

23. Against this it was submitted by the learned counsel appearing for the workman that since 1992 the workman is unemployed and he has suffered a lot and he is running in debts and he is without any employment.

24. He further submitted that at least 50 per cent back wages may be awarded because the charges are not proved against the workman. I have already said that none of the charges are proved against the first party workman and the management was miserably failed to prove that the workman has committed misconduct. In view of the submissions made by both sides I proceed to pass the following order:

ORDER

The reference is allowed. The management is directed to reinstate the first party workman with continuity of service and all other service benefits. In the given circumstances management is directed to pay 50 per cent of back wages from the date of dismissal till the date of this award. Accordingly reference is answered.

(Dictated to PA transcribed by her corrected and signed by me on 15th April, 2002).

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 2 मई, 2002

का.आ. 1812.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन पेट्रोकेमिकल्स कार्पोरेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई के पंचाट (संदर्भ संख्या 2/89 ऑफ 2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-02 को प्राप्त हुआ था।

[सं. एल-30012/9/2001-आईआर-(एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd May, 2002

S.O.1812.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/89 of 2001) of the Central Government Industrial Tribunal Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Petrochemicals Corp. Ltd. and their workman, which was received by the Central Government on 2-5-2002.

[No. L-30012/9/2001-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI
PRESENT :

S. N. Saundankar, Presiding Officer.

Reference No. CGIT-2/89 of 2001

Employers in relation to the management of
Indian Petrochemicals Corp. Ltd. Maharashtra Gas Cracker Complex Divn.

Indian Petrochemicals Corp. Ltd.
Maharashtra Gas Cracker Complex Divn.
Nagothane,
Raigad-402106.

AND

Their Workmen

Mr. Jayawant Diukar Raul,
At & PO : Tal. Alibaug, Dist., Raigad
Raigad.

APPEARANCES :

For the Employer :—Mr. Dilip Devadiga—
Representative.

For the Workmen : No Appearance.
Mumbai, Dated 8th April, 2002

AWARD

The Government of India, Ministry of Labour by its Order No. L-30012/9/2001-IR(M), dtd. 15-5-2001-3-7-2001 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act have referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of Indian Petrochemicals Corp. Ltd. Raigad in not reinstating and regularising the employment of Mr. Jayawant D. Raul, an Ex-Driver w.e.f. 1-7-1990 is legal and justified? If not, what relief the workman concerned is entitled to?”

2. On receipt of the reference notices were issued to the workman and the management, and in response to the notice management appeared vide (Exhibit-7). Notice issued to workman Shri Raul returned unserved, therefore on furnishing address by the management notice was again issued to the workman, however, same received again with endorsement not known Managements, Personnel Manager, Mr. Sinha, vide affidavit (Exhibit-13) pointed out that the address on the notice was the correct address available with the company. It is seen from the record, Ministry had sent the copy of the reference to the workman dtd. 15-5-2001 and till to date workman has not appeared before this tribunal, which indicates he is aware on the reference, but, does not wish to prosecute therefore reference deserves to be disposed of for non-prosecution and hence the order :

ORDER

Reference stands disposed of for non-prosecution.
S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 2 मई, 2002

का.आ. 1813.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई के पंचाट (संदर्भ संख्या 2/84 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2002 को प्राप्त हुआ था।

[सं. एल-31012/9/2000-आईआर(एम)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 2nd May, 2002

S.O. 1813.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/84 of 2000) of the Central Government Industrial Tribunal Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 2-5-2002.

[No. L-31012/9/2000-IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT:

S. N. Saundankar, Presiding Officer.

Reference No. CGIT-2/84 of 2000

EMPLOYERS IN RELATION TO THE MANAGEMENT OF MUMBAI PORT TRUST

Mumbai Port Trust,
The Chairman,
Mumbai-400 038.

AND

THEIR WORKMEN

Mumbai Port Trust Dock and Genl.
Employees Union,The Secretary,
Kamgar Sadan,
Mazagaon, Mumbai-10

APPEARANCES :

For the Employer : Mr. Umesh Nabar, Advocate.
For the Workmen : No Appearance.

Mumbai, dated 1st April, 2002

AWARD

The Government of India, Ministry of Labour, by its Order No. L-31012/9/2000/IR(M) dated 30-8-2000, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Mumbai Port Trust, Mumbai in terminating the services of Shri P. B. Parab is justified and proper ? If not, then what relief the workman is entitled to ?”

2. Mumbai Port Trust Dock and General Employees Union filed Statement of Claim in respect of the worker Mr. P. B. Parab (Exhibit-6). Management, Mumbai Port Trust opposed the said claim by filing Written Statement (Exhibit-7). On the basis of the pleadings this Tribunal framed issues at Exhibit-8 on 3-10-2001. Consequently matter was fixed for filing documents and producing list of witnesses by the parties on 8-11-2001. Record shows, that day, management filed documents with list (Exhibit-9), however, none remained present on behalf of the union nor filed documents. Consequently matter was fixed for filing of affidavit by way of Examination-in-Chief by the Union workman on 23-1-2002. However, it is seen none appeared on behalf of the union nor the workman Shri Parab remained present though matter was fixed for leading evidence on 7-3-2002 and till today, which indicate that the union workman is not interested to prosecute the reference and therefore not filed affidavit by

way of Examination-in-Chief. Consequently reference stands disposed of and hence the order :—

ORDER

Reference stands disposed of for non-prosecution.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 2 मई, 2002

का.आ. 1814:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुस्खील पोर्ट ट्रस्ट के प्रबंधसंस्थ के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण मुस्खील के पंचाट (संदर्भ संख्या 2/193 ऑफ 1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-5-2002 को प्राप्त हुआ था ।

[सं. एल-31012/17/99-आईआर(एम)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 2nd May, 2002

S.O. 1814.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No: 2/193 of 1999) of the Central Government Industrial Tribunal Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on 2-5-2002.

[No: L-31012/17/99-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO II MUMBAI

PRESENT:

S. N. Saundankar, Presiding Officer.

Reference No: CGIT2/193 of 1999

Employers in relation to the management of The Chairman, Mumbai Port Trust.

The Chairman,
Mumbai Port Trust,
BPT Hospital Staff Canteen Co-op. Soc. Ltd.,
Mumbai-400 038.

AND

Their Workmen

Mumbai Port Trust General Workers Union,
The General Secretary,
Wadi, Bunder,
Mumbai.

APPEARANCES:

For the Employer : Mr. M. B. Anchan
Advocate.

For the Workmen : Mr. V. Narayan Representative.

Mumbai Dated, 1st March, 2002

AWARD

The Government of India, Ministry of Labour, by its Order No. L-31012/17/99/IR(M), dtd. 24-9-1999, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, have referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Mumbai Port Trust in terminating the services of Shri H. R. Achrekar is justified and proper ? If not, then what relief the workman is entitled to ?"

2. According to Achrekar, he was employed by the Mumbai Port Trust as Cook from 12-12-94. By way of Statement of Claim (Exhibit-4) employees union concerned the Achrekar was recruited through the agent i.e. BPT Hospital Staff Co-operative Canteen Society Ltd., Wadala was exclusively controlled by the management MBPT. His salary was paid by the management. His name was in the wage register, attendance register, duty list maintained by the management. He had claimed regularisation by the representation dtd. 19-6-1998 which was acknowledged by the management. However no cognizance was taken and that he was abruptly removed from the service on 1-9-98, without notice and any reason. It is his contention that there were vacancies in the MPT by virtue of death of one D.G. Shetty and R. S. Mali, retirement of S. S. Kadam and N. A. Bharte. It is contended that union had raised dispute with A.L.C.(C), Mumbai after observing strike dtd. 1-9-98. The A.L.C., tried for Conciliation, however ended in failure report dtd. 12-4-99. It is contended since Achrekar worked as cook without any break from December '94 to September '98, his termination is illegal. Consequently it is prayed Achrekar be reinstated with full back wages.

3. Management, M.B.P.T., opposed the claim of union by filing Written Statement (Exhibit-6) contending that Achrekar was engaged from 16-4-95 and not 12-12-94, by the canteen society. It is contended in view of the resolution dtd. 26-6-98, in the Special General Body Meeting of the said Cooperative canteen society to discontinue the said society from the management and that Achrekar having been temporarily engaged his services were terminated by the society on 31-8-88 to which management MbPT has no concern. It is contended that the society was not part of the MBPT Administrative and that Achrekar was paid by the Society and not by the management. Therefore maintaining muster, wage register by the management does not arise. It is averred that management had regularised workers Gowde, Warang, Patil, Shelke, Kamble as they were recruited in 1986, 1988, 1992, 1994 & 1995 and that Achrekar having been engaged after the cut off date i.e. 25-8-94 as per the Judgment of High Court question of his regularisation/reinstatement does not arise. Consequently management prayed for dismissal of the claim of union.

4. On the basis of the pleadings my Learned Predecessor framed issues at Exhibit-7 and in that context, Achrekar filed affidavit by way of Examination-in-Chief (Exhibit-8) and closed oral evidence vide purshis (Exhibit-9). The Welfare officer of MPT, Mr. Auchar, filed affidavit by way of Examination-in-Chief (Exhibit-10) and closed evidence for the management vide purshis (Exhibit-11).

5. Workman filed written submissions (Exhibit-14) and the management (Exhibit-12) alongwith copies of rulings. On perusing the record as a whole and the Written submissions and hearing the parties at length, I record my findings on the following issues, for the reasons mentioned below :

Issues	Findings
1. Whether the workman was engaged by MbPT ?	No.
2. Whether the management of MbPT terminated the services of Achrekar the workman ?	No.
3. Whether Achrekar the workman was engaged by the Co-operative Canteen Committee and it discontinued the services of Achrekar ?	Yes.
4. Whether the workman is entitled to any reliefs ?	As per order below.

REASONS

6. At the outset the Learned Counsel Mr. Anchan for the management submits that the crucial point in the matter is "Whether Achrekar was workman of the MbPT", and that according to him Achrekar was engaged by the BPT Hospital Staff Cooperative Canteen Society on 16-4-95 and not from 12-12-94. Consequently he submits Achrekar being not an employee of MbPT, question of his termination by the present management does not arise, and from that point of view he submits, reference is not maintainable. On the other hand, the Learned Representative Mr. Narayanan, inviting attention of this Tribunal to the searching cross-examination of the management's witness Mr. Auchar, para 6 submits that Achrekar was engaged by the Canteen Society, fully controlled by the management, MbPT, and therefore he is an employee of the management and that he was illegally terminated, violating the provisions of the Industrial Disputes Act.

7. So far employment of Achrekar is concerned, in cross-examination, para 10, he admits that he was appointed on 12-12-94 by MbPT. However, he does not possess appointment letter nor the order of termination by MbPT. In cross-examination, para 11 he admits, he was paid wages by the Canteen Manager, he was not given identity card nor the pay slip at any time, by the MbPT. Nothing to show that Achrekar was appointed and discontinued by the management MbPT.

8. Welfare Officer in Labour Department, Mr. Auchar in cross-examination para 7 admitted that, they used to give directions to the Society Canteen Committee to rectify any defects in respect of appointment of Canteen employees, they used

check the muster roll of employees of Canteen society. Page. 50 (Exhibit-5) of muster roll bears his signature for having checked the same on 28-5-97. Relying on these admissions of Auchar, Learned Counsel for workman Mr. Narayanan submits canteen was being run and was fully under the control of MbPT. On perusal, copy of the muster roll, pg. 50 (Exhibit-5) shows the endorsement on checking the same. Giving directions to the Society Canteen Committee, does not mean that Achrekar was engaged by the management, therefore the very relationship of employer and employee, are in dispute. Employees union which claimed Achrekar as employee of MbPT in the first instance must show the relationship of Achrekar with MbPT, however, union failed. If really Achrekar engaged and discontinued by MbPT, he could have led documentary evidence to that effect, however that is wanting. Therefore in the absence of any evidence and going through the circumstances, It is clear that Achrekar was not appointed and discontinued by MbPT and that he was engaged by the Cooperative Canteen Committee and was discontinued by that committee. Consequently Issue No. 1, 2 and 3 are answered accordingly.

9. The Learned Representative Mr. Narayanan submits that Achrekar was employee of MbPT and that his termination is against the Principles of Natural Justice, violating the provisions of Industrial Disputes Act, therefore the Tribunal constituted under the social legislation is required to consider the status of Achrekar from this point of view. He submits that without giving any opportunity of hearing he was abruptly discontinued, who worked from 12-12-94 to 1-9-98, i.e. more than 240 days. He submits that Their Lordships of Supreme Court in Scooters India Ltd. Vs. Mohammad Yaqub and Anr. (2001) SSC (L&S) 148, ruled that "automatic termination of the workman without complying with the provisions of Natural Justice is illegal". As stated above the pivotal point in the matter is the relationship of Employer and Employee and that union failed to establish that Achrekar was employee of MbPT. Consequently question of his discontinuance by the MbPT does not arise and therefore the submissions made by Mr. Narayanan referred to above, have no relevance in the case of Achrekar.

10. So far Achrekar worked from 12-12-94 till 1-9-98 i.e. more than 240 days is concerned, according to Mr. Anchan assuming for a moment, Achrekar was employee of MbPT, since he was casual labour does not get the permanent status to be absorbed as regular employee. For absorption as regular employees existence of post is mandatory as held in Ahmednagar Zilla Shetmajor Union Vs. Dinkar Rao Kalyan Rao Jagdale 2001 SCC pg. 1189. It is seen from the evidence of Mr. Auchar as per the direction of the Hon'ble High Court dtd. 25-8-94, management regularised some employees who were engaged prior to Achrekar and that Achrekar does not get the benefit of the said decision, therefore his absorption is out of question.

10. Since union failed to prove that Achrekar was employee of MbPT, and that he was discontinued by the management, question of giving any relief to

Achrekar does not stand to reason. Consequently he is not entitled to any relief and hence the order:—

ORDER

Mr. Achrekar was not an employee of MbPT, Management nor he was discontinued by the MbPT, therefore, he is not entitled to any relief.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 2 मई, 2002

का.आ. 1815.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.एस.आई. कार्पोरेशन के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण हैदराबाद के पंचाट (मंदर्भ संख्या 117/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-4-02 को प्राप्त हुआ था।

[सं. सी-11011/1/2002-आई अर (एम)]

बी.एम. डेविड, अवर मन्त्री

New Delhi, the 2nd May, 2002

S.O. 1815.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 117/2001) of the Central Government Industrial Tribunal Hyderabad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of E.S.I. Corporation and their workman, which was received by the Central Government on 23-4-2002.

[No. C-11011/1/2002-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. Ismail, Presiding Officer.

Dated : 28th February, 2002

Industrial Dispute L.C.I.D. No. 117/2001

BETWEEN :

Sri J. P. Eliyazer,
R/o SRT-56, Raisala Gada,
Mahirabad, Hyderabad.

AND

1. The Addl. Commissioner-cum-Appellate Authority, E.S.I. Corporation, Panchadeep Bhavan, Ministry of Labour Welfare, Govt. of India, Kotla Road, New Delhi-110002.

2. The Regional Director-cum-Enquiry Authority and Disciplinary Authority, E.S.I. Corporation, 5-9-23, Hill Fort Road, Adarshnagar, Hyderabad.

3. Smt. Vinodini, Superintendent, E.S.I. Corporation, A.P. Region, Regional Office, 5-9-23, Hill Fort Road, Adarshnagar, Hyderabad.

4. J. Ram Prasad, Manager, Local Office, E.S.I. Corporation, Chikkadpally, Hyderabad.

5. Smt. Shanta Bai, Peon, E.S.I. Corporation, Regional Office, 5-9-23, Hill Fort Road, Adarshnagar, Hyderabad. . . Respondents

APPEARANCES :

For the Petitioner : Sri A. Sri Ganesh

For the Respondent : Sri William Burra

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. Brief averments of the petition are : That the petitioner was working as a record sorter in the local office of Chikkadpally, which is a branch of E.S.I. He was compulsorily retired on 20-6-2001. On appeal against order by the Disciplinary Authority dated 4-7-2001 the petitioner was enhanced to compulsory retirement. The workman submits that one Shatabai, Respondent-5 who joined local office, Chikkadpally on compassionate grounds gave a false complaint against him on 8-1-99 alleging misbehaviour with her to R4. The R5 on 11-1-99 withdrew her complaint voluntarily by addressing the same to the authority. The 4th Respondent though aware of withdrawal of complaint on 11-1-99 gave an office memo alleging the contents of the complaint seeking explanation from him. He gave explanation denying the occurrence of allegation as well as probabilities of occurrence of the same day that is on 11-1-99. The 3rd Respondent on instructions from the 2nd Respondent conducted preliminary enquiry and held that nothing was revealed in her enquiry regarding occurrence of allegations in complaint given by the complainant. Also in view of the fact that the complainant withdrew her complaint on 11-1-99 and however recommended for transfer of the workmen to another place.

3. The 2nd Respondent after receiving preliminary report transferred him along with others. The 2nd Respondent inspite of transferring him initiated action against him and issued a charge memo. However, he was imposed the punishment of stoppage of 10 increments permanently with cumulative effect. That he preferred appeal to the first Respondent. The first respondent passed orders for compulsory retirement on the basis of the Supreme Court Judgement in A.P.E.C. Vs.

A. K. Chopra and another case Mahavir Prasad Vs. Chief Secretary, Delhi, Administration and others which are not applicable to this case. Hence, he may be reinstated into services with all other attendant benefits.

4. The respondent filed a counter. Stating that the petitioner actually harassed Smt. Shatabai, Peon of the same local office on 8-1-89 calling her to come to a lodge/room. It is a serious misconduct and after conducting its enquiry the enquiry officer found him guilty that he sexually harassed Smt. K. Shatabai, Peon, local office and that it has been proved and the office imposed the penalty of reduction of pay by 10 stages with cumulative effect. The Additional Commissioner, The Appellate Authority while agreeing that the findings of the enquiry officer and the similar authority awarded the punishment of compulsory retirement. That the mere withdrawal of the complaint does not mitigate misconduct. And the reason for such withdrawal has been, "thinking that he is my brother and he may not do such things in future", this now here shows denial of the earlier complaint or misconduct. That it has been held by the Hon'ble Supreme Court of India, A.P.E.C. Vs. A. K. Chopra and Hon'ble C.A.T., New Delhi in Mahavir Prasad Vs. Chief Secretary, Delhi Development Authority. That sexual harassment case broad possibilities rather than dictionary meaning of molestation is to be looked into. That the charge has been proved and therefore the petition may be dismissed.

5. The counsel for the petitioner stated that domestic enquiry held is valid. Hence, Ex. W1 to W4 and Ex. M1 to Ex. M8 were marked consent. That Ex. W1 is letter to Eliyazer the petitioner herein saying that a complaint has been received from Smt. Shatabai, Peon that he has misbehaved with her in the office saying that, "come to lodge and also uttered so many objectionable words". He was asked to explain. Ex. W2 is a letter by the complainant herself that she wants to withdraw the same. As she heard wrongly resulting in communication gap. Ex. W3 is the letter of the petitioner denying the charges. Ex. W4 is the transfer order. Ex. W5 is the memorandum, Ex. W6 is the notice of enquiry. Ex. W8 is appending the enquiry officer Sri Jayaram, Joint Director. Ex. W9 is appending a Presenting Officer, Sri K. S. Murthy. Ex. W11 is a letter from the complainant stating that she want to withdraw the complaint thinking that he is her brother and he may not do such things in future. Ex. W12 is the explanation of the petitioner. Ex. W13 is the order of the Regional Director imposing the penalty of reduction of pay by 10 stages with cumulative effect. Ex. W14 is another representation of the petitioner. Ex. W15 is the order by the Appellate Commissioner enhancing the penalty to that of compulsory retirement. Ex. W17 is the representation of the petitioner to the Appellate Authority. The said representation was also dismissed when the Appellate Authority relying on M/s. Visakha and others Vs. State of Rajasthan 3rd para of the Hon'ble Supreme Court. Ex. W19 is the compulsory retirement notice. Ex. W20 is for release of his ten increments. Ex. W24 is the enquiry proceedings.

6. Ex. M1 is the complaint of Smt. Shatabai. Ex. M2 is the report to the Regional Director by the Manager, Local Office. Ex. M3 is a letter to

the Superintendent, Regional Office, Hyderabad complaint against the petitioner. Ex. M4 is the statement of Shantabai that he asked her to come to his room on holiday that she had taken Rs. 10/- for bus fare after 4 days of her appointment and again Rs. 10/- from him for conveyance that she has not returned the amount of Rs. 20/-. Ex. M5 is the report of the enquiry officer. Ex. M7 is the guidelines of the norms laid down by the Hon'ble Supreme Court in M/s. Visakha and others Vs. State of Rajasthan. Ex. M8 is the amendment rules.

7. It is argued by the Learned Counsel for the petitioner that Appellate Authority is carried away by the judgment of the Hon'ble Supreme Court in M/s. Visakha and others Vs. State of Rajasthan. When she herself has not deposed in the enquiry and withdrawn her complaint. In fact, in the enquiry report it is clearly mentioned by the enquiry officer that the complainant withdrew her complaint on 4-2-99 deposed that the petitioner asked her to come to room on holiday and that several times he insisted her to accompany to the room. In the breath she admitted having taken money from him ten, ten rupees each time. And during the enquiry on 16-3-2000 she deposed and stated that she was new to job and he used to come to her with a laughing face and asked whether she is in need of any financial help. The she took ten rupees as it is not like his behaviour and asking her for financial help, she returned the amount that next day. For the next question that you have complained that he used to call you to room, how many times he called you? Her answer is he has not called me and to the next specific question when he did not called you how you have given the complaint as he has called you. She told because she did not like his behaviour and so that it may not happen to anybody else she has given the complaint. Then she was cross-examined by the presenting officer. Where she specifically stated that calling her to a room and that he would explain everything is all false. So when categorically the complainant herself does not stick to her version and even admitting for arguments sake that he asked whether she required any money. She agreed having asked for Rs. 10/- and did not return the same. Merely his laughing does not prove the charges. The Judgement of the Hon'ble Supreme Court is not applicable. He relies on Labour Law Journal, Madras Division Bench Judgement of 2001-2002 LLJ wherein it was held that keeping all these aspects in mind they are of contra opinion that what the Apex Court has held in M/s. Visakha and others Vs. State of Rajasthan case has to be construed as a Double edged weapon to shield a woman at working place with sexual harassment. At the same time it should not be taken that all the complaints made by women should be presumed to be correct. So, he submits that even this complaint is not correct. Therefore, the petitioner is entitled for all the benefits.

8. It is argued by the Learned Counsel for the respondent that Supreme Court 1997, Visakha and others case it was clearly laid down by the Hon'ble Supreme Court that sexual harassment defined any guidelines issued to be treated as law and would include unwelcome sexually determined behaviour. Provisions as for guidelines to be included under

standing orders under Industrial Employment (Standing Orders) Act, 1946. He also relied on JT 1999(1) SC 61 Apparel Export Promotion Council Vs. A. K. Chopra, wherein it was held that an action of a superior against a female employee which is against moral sanctions and does not withstand just of decency and majesty amounts to sexual harassment. That physical contact is not a necessary ingredient. He also relied on the Judgement of All India Services Law Journal XII 1999 page 3, Victim a student was sexually assaulted by the teacher sent letter to the Principal and father also wrote letter other witnesses nearer to the occasion gave statements. The victim and father did not come. Another witness did not come but formed her statement by a letter to Enquiry Officer, plea that it is a case of no evidence. Held in cases of this nature it is obvious that persons avoid coming to depose, court has to take probabilities, hence no interference in penalty of compulsory retirement called for. He therefore submits that petitioner does not deserve any sympathy and it does not warrant any interference with the punishment of compulsory retirement imposed on him.

9. No doubt, I am not sitting as on the criminal side to insist for evidence beyond reasonable doubt to convict the person or not. I am sitting as a Labour Court Judge where the probabilities have to be seen. But, however complete go-by policy cannot be given to fundamental principles of law. Shantabai has given a complaint and during the preliminary enquiry she has to stick to her version although on the same day she has withdrawn her complaint. But she also stated that she took twice ten, ten rupees from him. And not returned the same. However, in the enquiry she stated that he sued to come with laughing face and ask her whether she needs any financial help and she did not like his behaviour. She took ten rupees and returned the same next day. Again, it was asked that did he call her to come to a room. She told he never called her. That what all she stated is false. So what is the position? And, what inference can be drawn? As stated supra perhaps in a criminal case it would result in clear acquittal of the petitioner herein. PW1 is the Manager, Local Office, Chikkadpally, Hyderabad. He deposed that on 8-1-99 complainant gave her complaint. He has also stated that the petitioner has caught hold of the hand of Mrs. Shantabai and did not ascertain from her whether anyone saw. That one Jai Prakash, Clerk/LDC was also in the same place. Preliminary enquiry was conducted by Smt. D. Vinodini. So, it may be seen that the lady herself has withdrawn from her statement during the enquiry. In the preliminary examination also she stated that he asked her to come to his room. Hence, it can not be simply brushed aside as completely false. There are many reasons for withdrawing her complaint. One may be pressure from the colleagues, second she was new to the job having joined only on 8-12-98, thirdly when he was laughing and asking her whether she needs money she ought not to have accepted Rs. 10 twice from him and did not return the same as per her statement before the preliminary enquiry officer. Hence, I am of the opinion that the Judgement of the Hon'ble Supreme Court in Visakha and others Vs. State of Rajasthan with utmost respect does not apply to the facts of this case and I am of the opinion that the punishment awarded by the

Regional Director imposing penalty of pay reductions by 10 stages from Rs. 3300/- to Rs. 2650/- is substituted to the punishment awarded by the Appellate Authority of compulsory retirement. Merely because he has taken benefits under the retirement or pension does not mean that he has given up his right.

10. He is directed to be reinstated. However, he will not be entitled for back wages and he will be starting at a pay of Rs. 2650/- The period in between the implementation of the award and his retirement shall be treated as leave without pay and he will be entitled to continuity of service. I am supported in my view reported in 2001 Andhra Weekly Reporter 238 Supreme Court wherein their Lordships held, temporary employees service terminated—cheque issued towards retrenchment compensation—cheque encashed does not mean he surrendered his rights.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me in the Open Court on this the 28th day of February, 2002.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner	Witness examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

- Ex. W1—Lr. No. 52|LOM|Confidential|CLO|98 dated 11-1-99.
- Ex. W2—Lr. No. Nil. Dated 11-1-99 by Smt. Shantabai.
- Ex. W3—Lr. No. Nil. Dated 11-1-99 by the petitioner.
- Ex. W4—Order No. 117|1999 dated 30-3-99.
- Ex. W5—Memo No. 52|A|20|11|25|45|93-CLO, dated 31-3-99.
- Ex. W6—Memo No. 52.C|17|14|2|3|99-Estt. I, dated 31-3-99.
- Ex. W7—Lr. No. Nil; dated 6-5-99 by the petitioner.
- Ex. W8—Order No. 52.C|14|14|2|99-Estt. I, dated 31-5-99.
- Ex. W9—Order No. 52.C|14|14|2|99-Estt. I, dated 31-5-99.
- Ex. W10—Acknowledgement, dated 7-5-99.
- Ex. W11—Lr. No. Nil dated 11-1-99 by Shanthabai.
- Ex. W12—Lr. No. Nil dated 7-5-99 by the petitioner.
- Ex. W13—Order No. 52-C|14|14|2|99-Estt. I dated 4-7-2000.

- Ex. W14—Lr. No. Nil by the petitioner dated 20-6-2000.
- Ex. W15—Order No. C-16|14|78|2000-Vig., dated 20-2-2001.
- Ex. W16—Lr. No. 52.C|14|14|2|99-Estt. I dated 2-3-2001.
- Ex. W17—Lr. No. Nil dated 14-3-2001 by the petitioner.
- Ex. W18—Order No. C-16|14|78|2000-Vig. Dated 20-6-2001.
- Ex. W19—Order No. 225 of 2001 dated 26-6-2001.
- Ex. W20—Lr. No. Nil. Dated 2-7-2001 by the petitioner.
- Ex. W21—Lr. No. Nil. Dated 2-7-2001 by the petitioner.
- Ex. W22—Corrigendum No. 52.A|22|15|2001-Estt. I dated 13-7-2001.
- Ex. W23—Proof of postal cover.
- Ex. W24—Proceedings dated 13-3-94.

Documents marked for the Respondent

- Ex. M1—Complaint of Shantabai dated 8-1-99.
- Ex. M2—Lr. No. 52|LOM|Confidential|CLO|98 dated 11-1-99.
- Ex. M3—Memo No. 52.C|17|14|2|3|99-Estt. I, dated 31-3-99.
- Ex. M4—Statement of petitioner dated 5-2-99.
- Ex. M5—Inquiry report dated 30-5-2000.
- Ex. M6—Petitioner's representation dated 9-8-2000.
- Ex. M7—Guidelines and norms by the Hon'ble Supreme Court.
- Ex. M8—Copy of notification No. 11013|10|97-Estt. (A) dt. 13-2-98.

नई दिल्ली, 2 मई, 2002

का.आ. 1816 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I, धनबाद के पंचाट (संदर्भ संख्या 190/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5 2002 को प्राप्त हुआ था।

[मं. एन-20012/160/90 आई.आर. (सी I)]

प.एस. एस. गुप्ता, अवर सचिव

New Delhi, the 2nd May, 2002

S.O. 1816.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the award (Ref. No.

190/90) of the Central Government Industrial Tribunal-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 1-5-2002.

[No. L-20012/160/90-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT DHANBAD

In the matter of a reference under Section 10(1)(d)
(2A) of the Industrial Disputes Act, 1947

Reference No. 190 of 1990

PARTIES :

Employers in relation to the management of
Moonidih Project of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. H. Kazmi, Presiding Officer.

APPEARANCES :

For the Employers : Shri D. K. Verma, Advocate.

For the Workman : Shri B. N. Singh, General
Secretary.

STATE : Jharkhand.

INDUSTRY : Coal.

Dated, the 19th April, 2002

AWARD

By Order No. L-20012(116)/90-IR (Coal-I) dated the 20th August, 1990 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Moonidih Project under M/s. BCCL, in awarding punishment of dismissal to Shri Ram Kumar Singh, Miner/Loader under Order No. MND/PO/PA/89/833 dated 14/15-3-89 is commensurate with the gravity of misconduct mentioned in the Charge-sheet dated 21-1-88 ? If not, to what relief the workman is entitled ?"

2. As per the written statement filed on behalf of the concerned workman, precisely, the case is that one Ramagya Singh has no son and as such he has been treating Ram Kumar Singh, the concerned workman, the son of his younger brother, Gopal Singh as adopted son for all practical purpose. It has been said that some land of said Ramagya Singh was acquired by

the management for its use and for the said acquired land Ramagya Singh demanded employment for his adopted son, namely, the concerned workman. The said demand was accepted resulting in appointment of the concerned workman on the post of temporary miner/loader vide appointment letter dated 13/14th February, 1987. It is said that the said appointment letter was issued only after ascertaining the relationship between the two and after receiving affidavit in that regard, such as, affidavit sworn by said Ramagya Singh wherein he described the concerned workman as his son. After the appointment, it is said, the concerned workman in his duly filled up service except mentioned the name of Ramagya Singh as his dependent father and Gopal Singh in his service except did not mention the name of the concerned workman as his son. Further it has been said that despite the confirmation of the said relationship and without any complaint from Ramagya Singh in denial of his relationship as father of the concerned workman the management arbitrarily issued a chargesheet dated 21-1-88 alleging therein that the concerned workman took employment by giving false information as regards his father's name in as much as Gopal Singh mentioned the name of the concerned workman as his dependent son in the option form filled up for availing L.T.C. in lieu of R.R.F. In reply to the chargesheet it is said that the concerned workman denied the charge levelled against him and clarified the position but the said reply was not considered satisfactory and as such the management conducted enquiry. But even during the enquiry the management could not prove the said charge satisfactorily. From the side of the concerned workman during the enquiry it was proved that for all legal purpose he was adopted son of Ramagya Singh but still the Enquiry Officer came to a perverse finding and held the charges as proved. In such view lastly it has been said that the order of dismissal of the concerned workman based on perverse finding is arbitrary and unjustified. It is also said that an appeal against the said order was also filed before the competent authority, but the same was not considered nor the demand of withdrawal of the order of dismissal was acceded to by the management whereafter the industrial dispute was raised. But when no conciliation could be arrived at ultimately the same was referred to this Tribunal for final adjudication on merit.

3. The management, on the other hand, has come out with the case that the concerned workman falsely declared himself as son of Ramagya Singh and procured employment in the year 1987 under the Scheme made for providing employment to a dependent of a person whose land was acquired by the management for mining purpose. In the year 1988 it was detected that the concerned workman is the son of Gopal Singh, a worker of Moonidih Area and he entered some sort of arrangement with Ramagya Singh and got his son appointed on the strength of certificate, affidavit and documents submitted before the management. It is said that the management issued a charge-sheet for giving false information under Clause 17(I)(O) of the Certified Standing Orders. The reply to the said charge-sheet was submitted and in support of the stand taken by him the concerned workman enclosed an affidavit of his father declaring that his father and mother gave him to Ramagya Singh on adoption on

31-1-87. It has further been said that the purported adoption done at the age of 18 years is void and invalid and has been manufactured for the purpose of securing employment because if it was really a genuine case of adoption he would have declared the same in his affidavit and other documents submitted by him at the time of his employment. Upon the completion of enquiry during which sufficient opportunity was afforded to the concerned workman to defend himself, the enquiry report was submitted holding the concerned workman guilty of misconduct and on the basis of the said report the concerned workman was dismissed from his service by letter dated 14/15-3-89 under the signature of the Project Officer of Moonidih Project who also happens to be the Agent of the Moonidih Mine. It has lastiy been said that the punishment of dismissal imposed on the concerned workman was proportionate to the offence committed by him.

4. From the terms of reference it is evident that no adjudication is required to be made upon the question whether the alleged misconduct stood established or not during the enquiry proceeding, rather the adjudication is required to be confined to the aspect whether the punishment of dismissal as awarded to the concerned workman is commensurate with the gravity of misconduct mentioned in the charge-sheet, if not, then to what relief the concerned workman is entitled.

5. It is not denied that at the time of seeking employment neither in the application nor any other document furnished it was disclosed that the concerned workman, in fact, was the adopted son of the said Ramagya Singh. It is only when controversy cropped up and he was called upon to explain his conduct the concerned workman furnished his reply alongwith few affidavits sworn before Notary Public. One affidavit dated 31-1-87 was by Ramagya Singh who stated therein that he adopted the concerned workman with the consent of his wife as he had no son and give and take ceremony was also held on 31-1-1987. Another affidavit was filed by Gopal Singh, natural father of the concerned workman. He also stated therein in the same way and then the third affidavit was of the concerned workman himself making same nature of statement. All these affidavits formed part of the record and they were marked exhibits also during the enquiry. As per all those affidavits it is clear that formal adoption took place on 31-1-1987 and on the said date as per the statement of the concerned workman given in his affidavit his age was 19 years. In those affidavits there are only mention about the consent of the wives of either Ramagya Singh or Gopal Singh, but no separate affidavit by those ladies were filed nor during the enquiry any of them was produced for giving statement in regard to her consent in the matter of adoption. Under Hindu Adoptions and Maintenance Act, 1956 certain essential requirements have been prescribed for a valid adoption. Some of them are that there should be give and take ceremony, there should be the consent of wives also of those who are giving and taking someone in adoption and also that at the time of adoption the age of a person to be adopted should not be more than 15 years unless there is a custom usage applicable to the parties which permits persons who have completed the age of 15 years. In the instant case as there is no any registered deed of adoption as contemplated under Section 16 of Hindu Adoptions

and Maintenance Act, 1956 and simply affidavit sworn before the Notary Public are there, as per the law onus lies upon the concerned workman to prove adoption. If on 31-1-1987 adoption took place then admittedly the concerned workman was 19 years old and not within 15 years as required under the law. Further, simply statements as regards consent of the wives and also about giving and taking ceremony have been made in those affidavits but during the enquiry no effort was made to prove those facts by examining the competent witnesses particularly those ladies. Therefore, in terms of the provisions of law the factum of adoption does not strictly stand proved. From the enquiry report also it appears that mainly on this count the charge was found to be established against the concerned workman. Such finding arrived at by the Enquiry Officer, as such, is not required to be interferred with. Moreover the terms of reference also do not permit that.

6. It is true that if the affidavit's dated 31-1-1987 filed alongwith the reply furnished to the charges levelled are taken into considertion coupled with certain other developments during the enquiry proceeding then certainly as per the legal requirements the adoption cannot be said to be a valid one, but at the same time for the ends of justice certain other factors borne out of the materials on record are also required to be taken into account specially considering the nature of charge as levelled against the concerned workman. It is not denied that the said Ramagya Singh is the own uncle of the concerned workman who had no son. It is also not denied that his land was acquired by the management and so under the Land Looser Scheme of the management he was entitled to be offered employment to any of his dependents. As it is apparent, in the year 1986 itself prior to the appointment of the concerned workman the said Ramagya Singh sworn an affidavit and which was filed before the management wherein he gave details of his lands and further declared the concerned workman as his son. Yet another affidavit dated 13-4-1987 was submitted by the said Ramagya Singh again containing the details of his family and declaring thereby the concerned workman as his son. Affidavit by the concerned workman dated 13-4-1987 was also filed before the management wherein he declared himself as son of Ramagya Singh. During enquiry proceeding duly filled up and signed attestation forms submitted by the concerned workman at the time of his appointment and also the duly filled up verification roll form containing the signatures of few witnesses filed by the concerned workman, were submitted on behalf of the management and in both the documents the concerned workman mentioned his father's name as Ramagya Singh. Prior to the appointment certain other documents were also filed which were also produced on behalf of the management during the enquiry proceeding and those were the identity certificate in respect of the concerne' workman signed and issued by a Medical Officer In-charge of Kendwadih, one certificate signed by the Mukhiya of local Dhabini Gram Panchayat and in all those certificates the concerned workman has been certified as the son of Ramagya Singh. Incidentally, all the aforesaid documents were marked exhibits on behalf of the management during the enquiry proceeding. During enquiry though one of the witnesses on the verification roll form dis-owned his signature

thereon but has not stated anything in denial of factum of adoption. Another witness of the said form, namely, Raja Ram Thakur, however, during the enquiry not only identified and proved his signature upon the said form, rather he stated very clearly that as Ramagya had no son he adopted the concerned workman who happens to be his nephew as his son during the childhood day of the concerned workman and it was Ramagya Singh who brought him up and later solemnised his marriage. The aforesaid three affidavits dated 31-1-1987 are further there wherein the fact as regards adoption has been acknowledged. It is worthwhile to take note of argument advanced on behalf of the concerned workman that prior to 1986 never any necessity arose of filing any affidavit or any other document anywhere regarding adoption. But only when employment was sought for it was advised to bring into existence some documents in support of the factum of adoption which could be of some help in future also and so in that way those three affidavits were sworn on 31-1-87 and they were filed also before the management when the controversy was raised. There is no challenge from any quarter over the said fact regarding adoption in as much as during the enquiry none has disputed that the concerned workman was adopted during his childhood days itself by the said Ramagya Singh who had no son and nothing has come in rebuttal of the said fact. The management's grievance is only this much that the concerned workman furnished incorrect information as regards the name of his father as in a document of the year 1984 one Gopal Singh declared the concerned workman as one of his dependent son. The said document is a form submitted by Gopal Singh for availing L.T.C. in the year 1984. The said Gopal Singh was the father of the concerned workman, but as per the case of the workman his father gave him in adoption to his brother Ramagya Singh who had no son and this development took place when the concerned workman was just a child. Now as regards the said document the submission from the side of the concerned workman is that despite the development which had taken place much earlier if the said Gopal Singh gave out the name of the concerned workman as well, in the form submitted by him then how from that any misconduct on the part of the concerned workman can be gathered and at the highest that should be construed as a misconduct on the part of the said Gopal Singh who also happens to be an employee of the management. There is force in such submission advanced on behalf of the concerned workman. Mainly on that basis certainly it cannot be said that misconduct was there on the part of the concerned workman. In this context it is further relevant to notice that in the year 1987 when the service excerpt of the said Gopal Singh was submitted the name of the concerned workman was not mentioned anywhere and Gopal Singh did not declare the concerned workman as his dependent son therein. No document has been produced either executed prior to 1986 or even after that in which the concerned workman ever declared himself as the son of Gopal Singh and not Ramagya Singh. It is significant to note once again that the said Ramagya Singh whose land was acquired by the management very consistently declared the concerned workman as his son although and he went on executing document after document in declaration of the said fact and sought employment also for the concerned workman

under Land Looser Scheme and further at no point of time he came forward to challenge the factum of adoption. Quite evidently it is not one of those cases of serious nature where a person said to have adopted another as his son has come forward to deny the said fact or any of his family members challenged the factum of the said adoption.

In short, overwhelming materials are there to suggest that the concerned workman all along had been treated as a son by Ramagya Singh for all practical purposes, even if it is taken that the said adoption does not stand proved strictly in legal terms. However, the fact remains that it would have been in the fitness of thing rather the same was necessary on the part of the concerned workman to come out with clean hands and to furnish the details before the management at the time of his appointment as to why he described Ramagya Singh as his father or the factum as regards adoption. For such lapse on the part of the concerned workman which can very well be taken to be a misconduct on his part certainly he deserves punishment, but keeping in view the circumstances of this case as also the discussions made above upon the materials on record the extreme punishment of dismissal as awarded cannot be taken to be proportionate to the said misconduct. In my view of the concerned workman is reinstated in his service without the claim of back wages and further if there would be permanent stoppage of one annual increment pursuant to his joining the service that would be proportionate to the gravity of the charge as established against him.

It is thus concluded that in the circumstances of this case the concerned workman deserves reinstatement without back wages and further he would not be entitled to one annual increment permanently after his reinstatement.

7. The award is thus rendered as hereunder : The action of the management of Moonidih Project under M/s. BCCL in awarding punishment of dismissal to Shri Ram Kumar Singh, Miner/Loader, is not commensurate with the gravity of misconduct mentioned in the charge-sheet dated 21-1-1988. The management, as such, is directed to reinstate the concerned workman within one month from the date of publication of the award, but without back wages and with permanent stoppage of one annual increment pursuant to his joining the service.

However, there would be no order as to cost.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 7 मई, 2002

का. आ. 1817.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण I, धनबाद के पंचाट (संदर्भ मंड्या 69/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-02 को प्राप्त हुआ था।

[स. एल-20012/276/94-श्राई आर (सी-1)]

एस. एस. गुप्ता, प्रवर सचिव

New Delhi, the 7th May, 2002

S.O. 1817.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 69/1995) of the Central Government Industrial Tribunal I Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 1-5-2002.

[No. L-20012/276/94-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(1)(d)(2A) of Industrial Disputes Act, 1947

Reference No. 69 of 1995

PARTIES:

Employers in relation to the management of Kuju Colliery of M/s. C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri S. H. Kazmi, Presiding Officer.

APPEARANCES :

For the Employers : Shri D. K. Verma, Advocate.

For the Workman : None.

State : Jharkhand.

Industry: Coal.

Dated, the 23rd April, 2002

AWARD

By Order No. L-20012(276)/94-I.R., (Coal-I) dated 21-6-1995 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kuju Colliery of C.C.L. in denying employment to dependent son of late Janki Oraoh under para 9:4:2 of NCWA-IV is justified? If not, to what relief the dependent son of the deceased workman is entitled?"

2. It appears from the record that none is taking any step from the side of the workman since 9-11-1995 and this case is pending for filing of the rejoinder and documents since 11-6-1996. Despite this, adjournment after adjournment was granted at the instance of the Court to enable the workman to file rejoinder and documents or to take other necessary step, but the position remains the same and the same

have not been filed as yet. It is thus obvious that the workman does not want to pursue this matter any further and has lost interest in this case. However, considering the aforesaid circumstances it is needless to keep this case pending for any longer.

3. Hence, I render a 'No Dispute' Award in the present industrial dispute.

S. H. KAZMI, Presiding Officer

नई दिल्ली, 7 मई, 2002

का. आ. 1818—श्रौतोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गल्फ एयर कम्पनी के प्रबंधनव के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौतोगिक विवाद में केन्द्रीय सरकार श्रौतोगिक अधिकरण II, मुम्बई के पंचाट (संदर्भ संख्या 127/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-02 को प्राप्त हुआ था।

[संप्राप्ति-11012/68/2001-आईआर (सी-I)]

प्रम. प्रम. गुप्ता, अवार मन्त्री

New Delhi, the 7th May, 2002

S.O. 1818.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 127/2001) of the Central Government Industrial Tribunal-II, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Gulf Air Company and their workman, which was received by the Central Government on 1-5-2002.

[No. L-11012/68/2001-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundarkar.—Presiding Officer.

Reference No. CGIT-2/127 of 2001.

Employers in relation to the management of Oman Air.

Oman Aviation Services Co. (SAOG)
G-1-B, Gr. F1 ; Maker Chambers VI,
220, Nariman Point,
Mumbai-400 021.

AND

Their Workmen.

Shri Abhijit Dubey,
Flat No. 20,
Sunbeam Building,
4th Floor,
320, Charni Road,
Mumbai-400 004.

APPEARANCES :

For the Employer.—Mr. Ganesh Shettigar
Representative.

For the Workmen.—In Person.

Mumbai, dated 15th April, 2002.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-11012/68/2001, dt. 23-11-2001, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, have referred the following dispute to this Tribunal for adjudication.

"Whether the action of the management of Gulf Air Company in terminating the services of Shri Abhijit Dubey w.c.f. 3-12-2000 is legal and justified? If not, to what relief is the workman entitled?"

2. Pursuant to the notice workman Dubey and representative of the management M/s. Oman Aviation Services Co., Mr. Ganesh Shettigar appeared today before this Tribunal, though the matter was fixed on 2-5-2002. Taking the matter before the Tribunal both the parties have filed settlement arrived at between them (Exhibit-8). Workman, Dubey contended that he received cheque by way of full and final settlement and in that context the reference be disposed of. Since the matter is settled vide (Exhibit-8) following order is passed :

ORDER

Reference stands disposed of as settled vide (Exhibit-8).

S. N. SAUNDANKAR, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 AT MUMBAI

Reference No. CGIT-2/127 of 2001

Employers in relation to the management of Oman Aviation Services Co. (SAOG).

V/s.

Their Workman.—Abhijit Dubey.

Mr. Ganesh Shettigar for the Company.

Mr. Abhijit Dubey, workman in person.

Coram : Justice

Date :

Minutes of the Order

1. Without admitting liability, the Company as a gesture of goodwill agrees to pay to the workman a sum of Rs. 31,223 (Rupees thirty one thousand two hundred twenty three only) in full and final settlement of all claims of the workman of whatsoever nature including in Tort or under contract or under any other Law against the Company. The above

amount is being paid by a pay order No. 065838 drawn on Oman International Bank (SAOG) dated 5-4-2002 for Rs. 31,223 in favour of Mr. Abhijit Dubey, the workman and handed over to him in the open court.

2. It is hereby declared that the settlement arrived between the parties is fair and in the interest and welfare of the Workman and is binding on him.

3. The amicable settlement arrived at between the parties is binding on the Workman. The Workman shall not be entitled to make any claim or demand in future arising out of the dispute referred to the Conciliation Officer and Assistant Labour Commissioner (Central-II), Mumbai under section 2A of the Industrial Disputes Act, 1947 or any other Acts, Laws against the management of Oman Air and/or Oman Aviation Services Co. (SAOG) vide his letter dated 21-12-2001 and report of the Conciliation Officer under file No. B.ALC(C)-1/8(28)/2001-ALC(C)-II dated 19 September, 2001.

4. The Reference stand dismissed against the Company upon the Company making the payments of Rs. 31,223 (Rupees thirty one thousand two hundred twenty three only) in terms of clause 1 hereinabove.

No order as to costs.

Mumbai, dated this 15th day of April, 2002
Abhijit Dubey.

(Sd.)

Complainant|Workman.

(Sd.)

Mr. Ganesh Shettigar

For Oman Aviation Services Co.

(SAOG)

Company|Opposite Party.
Illegible.

नई दिल्ली, 21 मई, 2002

का. आ. 1819.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धरण 17 के अनुसरण में, केन्द्रीय सरकार एवं वी एयर लाइंसेट के प्रबन्धनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, ग्रन्थांध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकारण, सं. 1, मुम्बई के पंजाट (संदर्भ संख्या 18/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-05-2002 को प्राप्त हुआ था।

[सं.एस-11012/42/89-प्रौद्योगिक (सी-1)]
एम. एस. गुप्ता, अवृत्त सचिव

New Delhi, the 21st May, 2002

S.O. 1819.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of

1947), the Central Government hereby publishes the award (Ref. No. 18/2000) of the Central Government Industrial Tribunal No. I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Elbee Airlines and their workman, which was received by the Central Government on 8-5-2002.

[No. L-11012/42/99-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, MUMBAI
PRESENT :

Shri Justice S. C. Pandey, Presiding Officer

REFERENCE NO. CGIT-18/2000

PARTIES :

Employers in relation to the management of Elbee Airlines.

AND

Shri G. B. Tushar

APPEARANCES :

For the Management.—Shri M. S. More,
Management Rep.

For the Workman.—Workman present.

STATE : Maharashtra

Mumbai, dated the 29th day of April, 2002

AWARD

1. The Central Government has referred the following question to be answered by this Tribunal in exercise of its powers under clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act 1947 (The Act for short).

2. The workman, was present along with Mr. M. S. More, Management Representative M/s. Elbee Airlines, representing that company have jointly applied for passing the Award in terms of the Memorandum of Settlement today.

3. Having heard the parties and after having satisfied itself that the compromise arrived is legal and valid this tribunal passes this award as prayed by the parties :—

- (a) The First Party Company agreed to pay Rs. 7,000 (Rupees Seven thousand only) to the Second Party workman as lumpsum amount in full and final settlement of all his claims against the First Party Company and in consideration thereof the Second Party workman declare that in view of the aforesaid payment he is relinquishing of his right of reinstatement with continuity of service and full back wages etc.
- (b) The Second Party workman further declare that in view of the said payment, he will not raise any demand and/or dispute in future and it is full and final settlement of all his claims against the First Party Company.
- (c) Both the parties shall file the settlement before the Hon'ble Central Government Industrial Tribunal Court No. 1 Mumbai and pray for Award in terms of the Settlement dated 9-4-2002.
- (d) That the Second Party workman has full understood the contents of the said settlement and further declare that he is signing the settlement of his own free will without any coercion, force or duress.

4. The reference made to this tribunal is answered by saying that the parties have amicably settled the dispute in accordance with terms reproduced above. Accordingly, this award is passed.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 2 मई, 2002

का. आ. 1820.—प्रौद्योगिक विषाव अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएटल इंश्यूरेन्स कं. लि. के प्रबंधतत्व के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट प्रौद्योगिक विषाव में केन्द्रीय सरकार प्रौद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़ के पांचाट (संदर्भ संख्या 21/1991) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-5-02 को प्राप्त हुआ था।

[सं. एस.-17012/107/90-प्राइवेट आर (बी-II)]

सी. गंगाधरण, अवार सचिव

New Delhi, the 2nd May, 2002

S.O. 1820.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/1991) of the

Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Oriental Insurance Company Limited and their workman, which was received by the Central Government on 1-5-2002.

[No. L-17012/107/90-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 21 of 1991

Smt. Gurjeet Kaur,
C/o Govindgarh Commercial and Type
College, Goyal Market, Mandi Gobindgarh.

.. Applicant.

Vs.

General Manager,
Oriental Insurance Company Ltd.,
Surendra Building, S.C.O. 109-111,
Sector-17, Chandigarh. .. Respondent.

REPRESENTATIVES :

For the Workman.—Shri O. P. Batra.

For the Management.—Shri R. K. Bishamboo.

AWARD

The Central Govt. Ministry of Labour vide Notification No. L-17012/107/90-I.R.B-2 dated 19th February, 1991 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Oriental Insurance Company in terminating the services of Smt. Gurjeet Kaur is justified ? If not to what relief the workman is entitled ?”

2. The claim as set out in the claim statement is that the workman was appointed as typist w.e.f. 1-1-1985 on daily wage basis and her services were terminated on 30-8-1985 without any notice and in violation of Section 25-F of the I.D. Act 1947. The management also appointed other persons without offering any opportunity to the workman, in violation of Section 25-H of the I.D. Act. Junior to the workman was also retained in service. Thus

the management has also violated the provisions of Section 25-G of the I.D. The workman has prayed that she be reinstated in service with full back wages and other benefits.

3. In written statement the management has pleaded that the applicant was employed for specific nature of work in clearing the back log. She left the service of her own. It is stated that her services were never terminated by the management so question of violation of Sections 25-G, H and F does not arise. It is also stated that she had never completed 240 days of service during the period of 12 months preceding the date of leaving employment. Thus the management has prayed that reference be rejected. In the amended written statement it has been pleaded that she had worked from 1-1-1985 to 12-7-1985 intermittently and she had not completed 240 days of service.

4. In the replication it has been pleaded that the applicant had worked w.e.f. 1-1-1985 to 30-8-1985 and completed 240 days of continuous service.

5. The workman filed her affidavit and examined her-self as WW1. She also relied on document Ex. W2 the experience certificate issued by one Shri J. S. Walia vide which it has been shown that she had worked as typist w.e.f. 1-1-1985 to 30-8-1985.

6. In rebuttal the management has produced Shri J. S. Walia as Ex. MW1 who has issued the said certificate Ex. W2. Shri Walia has deposed that the original date is 1-1-1985 to 30-6-1985 and the same was changed by the workman as 30-8-1985. The issue date was also changed from 10-7-1985 to that of 10-9-1985. The management also produced Shri Daljeet Singh who has filed his affidavit Ex. M2. He also relied on documents i.e. disbursement vouchers Ex. M3 to Ex. M9.

7. I have heard the learned counsels for the parties and have also gone through the evidence and record of the case. I have also examined the experience certificate Ex. W2 vide which the workman was shown to have worked w.e.f. 1-1-1985 to 30-8-1985. I noticed the cuttings in the dates which is without the initials of the issuing officer. It appears to me that workman has changed the date of this certificate just to show that she had completed 240 days of service with the management. I have also gone through the payment

vouchers Ex. M3 to Ex. M9 in which it has been shown that she had only worked for 127 days during the period from 1-1-1985 to 12-7-1985 for which the payment has been made to her. I have no hesitation in holding that the workman had not worked up to 30-8-1985 and she had only worked up to 12-7-1985 with the management for only 127 days for which she had been paid. Regarding the violation of Sections 25-G and H, no name has been given by the workman that who has been employed and the name of the junior has also not been mentioned. Thus I find no merit in the reference raised by the workman and the same is rejected holding that the workman is not entitled to any relief. Reference is answered accordingly. Central Govt. be informed.

Chandigarh.

22-4-2002.

S. M. GOEL, Presiding Officer
नई दिल्ली, 2 मई, 2002

का. आ. 1821—आधिकारिक विवाद. अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकारण/श्रम न्यायालय चंडीगढ़ के पंचाट (संदर्भ संख्या 44/1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-05-02 को प्राप्त हुआ था।

[स. एल-12012/438/91-आई आर (बी-II)]
सी. गंगाधरन, अवर सचिव

New Delhi, the 2nd May, 2002

S.O. 1821.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 44/1992) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 1-5-2002.

[No. L-12012/438/91-IR(B-II)]

C. GANGADHARAN, Under Secy./

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 44 of 1992

Sh. Sohan Singh
C/o Sh. B. L. Sharma
356/7, Panchkula-134109
(Haryana).

Applicant.

Vs.

Deputy General Manager,
Union Bank of India,
26/28-D, Cannaught Place
New Delhi-110001.

Respondent.

REPRESENTATIVES:

For the workman : Sh. Hardial Singh.

For the management : Sh. Dinesh Madra.

AWARD

Dated (16th of April, 2002)

The Central Govt. Ministry of Labour vide Notification No. L-12012/438/91-I.R. (B.II) dated 16th April 1992 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Union Bank of India in dismissing Sh. Sohan Singh, Clerk/Cashier, w.e.f. 15-4-91 is legal and justified? If not, to what relief the workman is entitled and from which date?”

2. The applicant filed the claim statement alleging therein that he had joined the bank as watchman/guard on 5-10-1970 and he was promoted as cashier on 1-1-1984 and on 1-6-1989 he was transferred to Mandi Gobindgarh. The workman was charge sheeted and enquiry officer was appointed to enquire the charges against the workman. The enquiry officer did not give any dates to the workman and proceeded against the workman. The enquiry officer used coerce measure against the workman to admit the charges but the workman did not admit the charges, therefore, with a biased mind he started the enquiry proceedings. The enquiry officer refused to supply the list of documents to the workman. Mr. Rajesh Arora was the enquiry officer who wanted to prove the charges by hook or crook and after submitting the enquiry report he himself became the punishing authority though he was not competent to pass the orders. He also issued show cause notice to the workman even though he was not competent to do so. The enquiry officer did not allow the cross-examination of Mr. Mahi. It is also pleaded that the enquiry officer who was not even the disciplinary authority passed the order dated 15-4-1991 dismissing the workman. It is also pleaded that the enquiry officer exceeded his powers and he proposed the punishment. Personal hearing was also not given by the disciplinary authority, so the punishment is bad. He has requested that his dismissal order be set aside and he may be reinstated in service with full backwages and all consequential benefits.

3. In written statement the management has pleaded that the workman was served with the two memoranda for various acts of omission and commission reported against him. The reply given by the workman was not found satisfactory and he was then

served with the charge sheet for committing gross misconducts and minor misconducts and Shri Rajesh Arora Deputy Manager (Personnel) was appointed as the enquiry officer who was also empowered to act as disciplinary authority. The workman was given full opportunity to defend himself during the enquiry proceedings. He was allowed to cross-examine the witnesses produced by the management. He was found guilty in the enquiry proceedings and the enquiry officer proposed the punishment of dismissal from the bank service and also stoppage of three annual increments with cumulative effect for wilful insubordination and disobedience of the lawful and reasonable orders of the superiors and stoppage of three annual increments with cumulative effect for instigating the staff members to act in a riotous and disorderly manner in the premises of the bank. The enquiry officer who was also the disciplinary authority also proposed warning for the minor misconducts committed by the workman. The disciplinary authority-cum-enquiry officer also gave personal hearing with regard to the proposed punishment but the workman failed to attend the personal hearing. It is also pleaded that each and every documents was supplied to the workman and principle of natural justice was adhered to by the enquiry officer and enquiry conducted was in a prescribed manner and procedure. In all it has been pleaded that the enquiry conducted against the workman is in accordance with the principle of natural justice and he is not entitled to any relief.

4. Replication was also filed by the applicant inter alia pleading that enquiry officer was never empowered to act as disciplinary authority. Even the Deputy Manager (Personnel) is lower in rank to the post of manager. It is settled law that only appointing authority can be the punishing authority. The workman sent a registered letter for adjournment on account of his illness but the punishing authority without considering the medical certificate passed the dismissal order and no personal hearing was allowed which is against the Bipartite Settlement and principle of natural justice. Other pleas have been reiterated by the workman.

5. Both the parties filed their respective affidavits in evidence. The workman filed his own affidavit Ex. W1. He has deposed in his cross-examination that he has prayed adjournment for personal hearing. He also submitted Ex. W2 and W3 which are postal receipt and acknowledgement for sending the letter for adjournment for personal hearing before the order of punishment. In rebuttal the management has filed the affidavit of Mohan Lal as Ex. M2 who also produced letter Ex. M3 appointing Shri J. S. Arora as enquiry officer. He has admitted that in the present case, Manager Industrial Relation Bombay was the disciplinary authority. He has also admitted that manager (per) is the appointing authority of clerk and cashier. He has in the same breath admitted that Deputy Manager cannot appoint and punish any clerk and cashier. At the relevant time Shri J. S. Arora was the Deputy Manager at Jalandhar and the workman was not working under the control of J. S. Arora. He has also stated that correct name of the enquiry officer is not J. S. Arora but Rajesh Arora. The witness Mohan Lal also admitted that the disciplinary authority who issued the charge sheet to the workman did not terminate the services of the workman. He has also failed to tell that who had

issued the charge sheet to the workman as designation of the disciplinary authority has not been mentioned in the charge sheet.

6. I have carefully gone through the evidence on record, the enquiry proceedings and also heard the oral submissions of the learned counsel for the parties. It is admitted fact that Rajesh Arora who was Deputy Manager was appointed as enquiry officer. He conducted the enquiry and also proposed the punishment of three types which are one from dismissal from services and two others for stoppage of three annual increments with cumulative effect which shall also run concurrently. The charges against the workman was that he abused the branch manager and used filthy language in the presence of the staff. He raised slogan against the branch manager in the gate meeting. He created scene with his riotous behaviour. These charges have not been proved during the enquiry conducted against the workman. Moreover the enquiry officer himself become disciplinary authority and imposed the punishment of dismissal and two other punishment without any authority. The management failed to prove on the record that Shri Rajesh Arora who was the enquiry officer as well as disciplinary authority was authorised to act in such manner as he was also the enquiry officer and disciplinary authority against the workman. He was in the rank of Deputy Manager which is definitely lower rank than that of the manager, i.e. appointing authority. It is admitted during the cross-examination of the witness of the management that deputy manager cannot appoint and punish any clerk and cashier. The witness of the management also admitted that J. S. Arora was the deputy manager working at Jalandhar and the workman was working as clerk at Mandi Gobindgarh. Thus there is no doubt that the deputy manager Mr. Rajesh Arora was not competent to inflict any punishment upon the workman. Moreover the management failed to produce any evidence on record that Mr. Arora was competent to take disciplinary action against the clerk whose appointing authority was the Regional manager/manager. It is also admitted by the witness of the management Shri Mohan Lal that the officer who issued the charge sheet to the workman did not terminate the services of the workman. Thus it is clear that the punishment was imposed upon the workman by the person who was not competent to inflict the punishment. It is also established on the record that the so called disciplinary authority was junior in rank to the appointing authority which is against the settled law of the land. The counsel for the management has argued that Mr. Rajesh Arora was competent to take disciplinary action against the workman as he was the incharge of disciplinary cell. I find no force in the contention of the management. There is not an iota of evidence on record that Rajesh Arora was equal in rank to the appointing authority of senior to the appointing authority. I have also gone through the enquiry file. I find that charges were not so serious so as to inflict the extreme punishment of dismissal from service. These have also not been proved during the course of enquiry. The statements of the witnesses are contradictory to each other. Moreover the punishments inflicted upon the workman were ordered to run concurrently as if he was undergoing sentence in a criminal court. Principle of natural justice has not been adhered to by the enquiry officer and thus there is no justification of awarding

such an extreme punishment upon the workman. Moreover the management have also failed to prove that even the charge sheet was issued by the competent authority i.e. the appointing authority as designation was not mentioned by the person who was issuing the charge sheet. I have no other option but to vitiate whole or the enquiry proceedings and set aside the punishment. During the course of arguments it has also been pointed out that reinstatement of the workman is not possible as he has already obtained the age of superannuation. The management has also not prayed that in the event of the enquiry is vitiated by this Court the management will prove the charges in the court. No such request has been made by the management even during the course of arguments. Thus I am of the view that enquiry has not been conducted by the management in accordance with the set procedure of law. The charges were also not proved during the course of enquiry. It is also settled and evident from the record that the punishment has been imposed upon the workman by the junior authority than that of the appointing authority, which is also bad in law and thus punishment of dismissal from service and two other punishments of stoppage of three increments with cumulative effect each are set aside.

7. It is also admitted fact that the workman has already attained the age of superannuation, thus reinstatement of the workman is not possible, and thus, the workman is only entitled to the salary from the date of dismissal from service to the date of retirement, alongwith interest @12 per cent per annum from the date when it became due.

8. In view of the discussion made in the earlier paras, it is held that the dismissal of the workman from service is set aside. The workman is entitled to the salary with continuity of service from the date of dismissal from service to the date of retirement alongwith interest already mentioned in the earlier para and cost of Rs. 3000 to be paid by the management to the workman. The reference is answered accordingly. Central Govt. be informed.

Chandigarh

16-4-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 2 मई, 2002

क्र. आ. 1822.—श्रोतोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रोतोगिक विवाद में केन्द्रीय सरकार श्रोतोगिक अधिकरण/ श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 75/ 1992) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-5-2002 को प्राप्त हुआ था।

[स. एल-12012/58/92-श्राई आर (बी-II)]

सौ. गंगाधरन, अन्नर सचिव

New Delhi, the 2nd May, 2002

S.O. 1822.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 75/1992) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 1-5-2002.

[No. L-12012/58/92-I.R.(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 75 of 1992

Unit Secretary,
C/o Sh. S. S. Kaler, 32-I,
Bhai Randhir Singh Nagar,
Ludhiana-141001.

Applicant.

Vs.

Deputy General Manager,
Bank of Maharashtra, North Zone,
6/30-31, W.E.A., Karolbagh,
New Delhi-110005.

Respondent.

REPRESENTATIVES :

For the Workman.—Workman in person.

For the Management.—Sh. L. K. Uppal.

AWARD

Dated : 24-4-2002

The Central Govt. Ministry of Labour vide Notification No. L-12012/58/92-I.R.B.2 dated 13rd July 1992 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Bank of Maharashtra in not giving Special Cash Allowance to Sh. N. P. Singh, Clerk, in Ludhiana Branch for the period from 9-7-88 to 16-1-89 and 11-7-89 till date is legal and justified ? If not, to what relief is the workman entitled to ?”

In the Claim Statement the union has pleaded that N. P. Singh joined as Clerk on

15-2-1978 in the Respondent Bank. He was transferred to Ludhiana Branch and joined there on 5-5-1986. There were few posts which carries special allowance in addition to normal pay. One such post is receipt cashier 2nd Cashier, Mr. Roshan Lal was allotted the post and was paid the prorata allowance. Before the ALC(C), Chandigarh the Management had made the statement on 10-2-1992 that said Roshan Lal was attending other duties also which did not attract any special allowance and in that case some other employees who used to perform the duties of receipt cashier was paid the cash allowance. The management issued the circular in which it was decided that posts in the cash department shall be allotted in the ascending order. This implies that the second cashier if any shall be allotted the post of cashier in charge. However if there is no post of second cashier teller, the senior most employee in the branch shall work as cashier incharge. At the time of issuance of this circular Shri N. P. Singh was working as receipt clerk and he was also the senior person in service next to Shri D. S. Dhiman. The branch manager vide his order dated 9-7-1988 directed N. P. Singh not to work as receipt cashier till further instructions. On representation by N. P. Singh the management allowed to sit on cash receipt counter. On 10-9-1989 Shri N. P. Singh was again directed to hand over the charge to Roshan Lal who was junior to the workman. Thus the union demanded that from 9-7-88 to 16-1-89 and 11-7-1989 to the date of promotion the said Shri N. P. Singh be paid special allowance @ Rs. 189 per month plus other benefits attached.

3. In the written statement the stand of the management was that Roshan Lal joined the branch at Ludhiana in the year 1980 whereas N. P. Singh joined later on in 1986. Prior to settlement dated 26-5-1988 there were guidelines for allotment of allowance carrying posts according to which all allowances carrying posts were allotted at the branch as per branch seniority. Roshan Lal was working in second cashier regularly from May, 1986 and he continued to work as such up to May 1988. Shri N. P. Singh joined Ludhiana branch on 5-5-1986, whereas Shri Roshan Lal was working in the branch from 1-4-1980. Thus as per branch seniority Shri Roshan Lal was given the charge of allowance carrying post and Shri N. P. Singh was not entitled for special allowance. The

management prayed for the rejection of the reference.

4. Replication was also filed by the Union reiterating the claim made in the claim petition.

5. In evidence, N. P. Singh filed his affidavit as Ex. W1. He has also submitted the documents Ex. W2 to W11. In rebuttal the management produced the affidavit of Ranjit Singh as M1. He also appeared for cross-examination as MW1.

6. I have gone through the evidence on record and heard the representatives of the parties.

7. The learned representative of the workman has argued that Shri N. P. Singh being senior to Roshan Lal was entitled to the post which carry special allowance. He has drawn my attention to the settlement dated 26-5-1988 in which it has been agreed that seniority means seniority of an employee in the branch counted with reference to the date of his joining in the bank service in that cadre, on probation. However in the case of employees, transferred on request to the branch, they shall normally become eligible to claim the allowance post falling vacant on the basis of service seniority after completion of 12 months. They shall also not disturb the employees holding permanently any allowance carrying post in the branch on the date of their joining branch. The period of twelve months shall be counted from their joining branch. The workman has argued that as per this settlement he is entitled to the post which carry special allowance. On the other hand the rep. of the management has argued that as per the letter dated 11-2-1980 the seniority at the branch/divisional office/Central office is to be decided on the basis of the date of joining at the branch/divisional office/Central office subject to the condition that persons transferred on request shall rank or seniority last vis-a-vis persons of the same class already working there. It is not disputed that Shri N. P. Singh was transferred to the Ludhiana branch on his request. The letter dated 11-2-1980 was in operation at the time when Shri N. P. Singh joined the branch at Ludhiana. The settlement dated 26-5-1988 was not in force at the time when the said N. P. Singh joined at Ludhiana branch on his request on 5-5-1986 and Shri Roshan Lal was given the charge of allowance carrying post on the basis of his branch seniority as he joined that branch on

1-4-1980. Thus Shri N. P. Singh is not entitled for the said allowance. As such I find no merit in the reference. The same is rejected and disposed off accordingly. Central Govt. be informed.

Chandigarh.

24-4-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 2 मई, 2002

का. आ. 1823.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण/श्रम न्यायालय, चंडीगढ़ के पंचाट (संदर्भ संख्या 12/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-5-02 को प्राप्त हुआ था।

[सं. एल-12011/140/2000-श्राई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 2nd May, 2002

S.O. 1823.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2001) of the Central Government Industrial Tribunal-cum-Labour Court Chandigarh as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 1-5-2002.

[No. L-12011/140/2000-IR(B-II)]
C. GANGADHARAN. Under Secy.

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 12/2001

The Organising Secretary,
Punjab National Bank Empls. Union.

5. Adarsh Nagar,
Ludhiana-226001.

... Applicant.

Vs.

Punjab National Bank:

The Zonal Manager, PNB, Zonal Office.

Ferozegardhi Market.

Ludhiana.

Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Shri S. K. Verma.

AWARD

Dated : 15th April, 2002

The Central Govt. Ministry of Labour vide Notification No. L-12011/140/2000-IR (B-II) dated 29th November, 2000 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Punjab National Bank in not paying the overtime to the Armed Guards who have worked on 12-4-95, which was declared holiday on account of sad demise of Shri Morarji Desai under the Negotiable Instrument Act is legal and just? If not, what relief the concerned workmen are entitled to ?”

2. None has put up appearance on behalf of the workman despite notices. No claim statement has been filed. It appears that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Central Govt. as not pursued. Central Govt. be informed.

Chandigarh.

15-4-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 3 मई, 2002

का. आ. 1824.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 141/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-5-02 को प्राप्त हुआ था।

[सं. एल-12011/96/2001-श्राई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 3rd May, 2002

S.O. 1824.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 141/2001) of the

Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 2-5-2002.

[No. L-12011/96/2001-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer

I.D. No. 141/2001

Ref. No. L-12011/96/2001-IR(B-II) dated
27-8-2001

BETWEEN

The Organising Secretary, Syndicate Bank Staff Assn. U.P. State Office, C/o Syndicate Bank, 51 Q-Block, Sharda Nagar, Kanpur (U.P.)-208025.

(Espousing cause of Shri Pati Ram Sharma)

AND

The Regional Manager, Syndicate Bank, M. G. Road, Lucknow (U.P.)-226011.

AWARD

By order No. L-12011/96/2001-IR(B-II) dated 27-8-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and section 10 of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between The Organising Secretary, Syndicate Bank Staff Assn. U.P. State Office, C/o Syndicate Bank, 51 Q-Block, Sharda Nagar, Kanpur (espousing cause of Shri Pati Ram Sharma) and The Regional Manager, Syndicate Bank, M. G. Road, Lucknow for adjudication.

The reference under adjudication is as under :—

“Whether the action of the Management of Syndicate Bank in depriving Shri Pati Ram Sharma from T. A. and petrol expenses is legal and justified ? If not, what relief the workman is entitled to ?”

2. This industrial dispute has been raised by the workman, Pati Ram Sharma through its representative union viz. Syndicate Bank Staff Association, alleging that the bank recovered Rs. 2141.21 from salary account of the workman. The said recovery was illegally made and so the workman claimed entire amount as aforesaid.

3. Management initially justified its action. However, in para 8 of the written statement. It stated that the bank will pay amount of Rs. 2141.21 by way of Demand Draft favouring Pati Ram Sharma within 30 days of receipt of undertaking executed jointly by the disputant and Shri Pati Ram Sharma. During the course of hearing the parties reconciled their difference and a compromise is filed as follow :—

“Without prejudice to the stand taken by the parties in their respective statement of claim and defence, it is agreed that the management of opposite party shall pay Rs. 2141.21 to the applicant, Shri Pati Ram Sharma, before 31-5-2002. It is also agreed that if the total amount is not paid on or before the above said period, the workman will be entitled to interest @ 12% till date of actual payment.

4. In view of the stated position by the parties it is no longer necessary to go into merit of the claim by appreciating evidence. Award is given in light of the agreement of the parties directing the management to pay Rs. 2141.21 to Pati Ram Sharma on or before 31st May, 2002. In case of default in making payment as aforesaid, the workman will be entitled to interest @ 12% till date of actual payment.

5. Award as above.

LUCKNOW

26-4-2002.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 3 मई, 2002

का. आ. 1825.—श्रीबोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिल्केट बैंक के प्रबंधन के मालिन नियोजकों और उनके कर्मकारों के बीच, प्रनुक्ति में निर्दिष्ट श्रीबोगिक विवाद में केन्द्रीय सरकार श्रीबोगिक अधिकरण/श्रम व्यावाय, ओरेली के पंचाट (संदर्भ संख्या 557/2001) को प्रकाशित

करती है, जो केन्द्रीय सरकार को 02-5-02 को प्राप्त हुया था।

[सं. एल-12011/271/2000-प्राई आर (बी-II)]

सी. गंगाधरण, अध्यक्ष सचिव

New Delhi, the 3rd May, 2002

S.O. 1825.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 557/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 02-05-2002.

[No. I-12011/271/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Monday, the 22nd April, 2002

PRESENT :

K. KARTHIKEYAN, Presiding Officer.

Industrial Dispute No. 557/2001

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Smt. K. Vijaya and the Management of Syndicate Bank, Chennai.

BETWEEN

The President, . . . I Party/Claimant
Syndicate Bank Employees Union.

AND

The Deputy General Manager, . . . II Party/
Syndicate Bank, Management
Chennai.

APPEARANCE :

For the Claimant : M/s. P. Manimeghalai, N. Ramamani,
R. Gomathi and N. Isabella, Advocates.

For the Management : M/s. T. S. Gopalan & Co.,
Advocates.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned dispute for adjudication vide Order No I-12011/271/2000-IR(B-II) dated 26-02-2001/02-03-2001.

On receipt of records from the Government of India, Ministry of Labour, this case has been taken on file as I.D. No. 557/2001 and notices were sent to the parties to the dispute, with a direction to appear before this Tribunal on 19-04-2001 to prosecute this case further. Accordingly, the learned counsel on record on either side along with their respective parties have appeared and prosecuted this case by filing their Claim Statement and Counter Statement respectively.

When the matter came up before me for final hearing on 19-03-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the documentary evidence let in on either side, and after hearing the arguments advanced by the learned counsel on either side, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

"Whether the action of the management of Syndicate Bank in imposing the punishment of compulsory retirement upon Smt. K. Vijaya vide order dated 31-08-99 is justified and legal ? If not, what relief is the said workman entitled to ?"

2. The averments in the Claim Statement filed by the I Party/President, Syndicate Bank Employees Union (hereinafter refers to as Petitioner) are briefly as follows :—

The Petitioner Union has raised this industrial dispute espousing the cause of the workman Smt. K. Vijaya who was working from 4-11-81 as an attender at the Salem Town Branch of the II Party/Syndicate Bank. On 23-12-98 a charge sheet cum suspension order was issued to her by the Deputy General Manager of the Zonal Office of the Syndicate Bank, Chennai. It is alleged in the charge sheet that while she was working as an attendant on Salem Town branch on 30-4-97, she received a cash payment of Rs. 270 being the proceeds of withdrawal slip No. 362597 dated 29-4-97 relating to S.B. Account No. 5436 of one Mrs. Chellammal. Though the said S.B. account holder died on 21-7-88, Smt. K. Vijaya forged/caused forgery of the signature of the account holder, presented the withdrawal slip for payment and fraudulently received the benefit of Rs. 270 which constituted gross misconduct within the meaning of Clause No. 19.5 of Bipartite Settlement. Thus, she was charged with a gross misconduct of 'doing acts prejudicial to the interest of the bank'. She was placed under suspension and was asked to give her written explanation. The concerned workman submitted her explanation on 4-1-99 denying the charges. Not being satisfied with the explanation submitted by the workman Smt. K. Vijaya, departmental enquiry was held to decide the veracity of the charges. In the domestic enquiry, the management examined four witnesses and 14 documents were marked and on behalf of the employees, 4 witnesses were examined including herself and 10 documents were marked. Though the charges were not proved conclusively and beyond doubt, the Enquiry Officer by his perverse reasoning, found the employee guilty of the charges and submitted his report dated 9-7-99 in a pre-determined manner. Based on that findings of the Enquiry Officer, the management by its order dated 31-8-99 imposed on Smt. K. Vijaya, the punishment of compulsory retirement from the services of the bank. It was confirmed on 20-10-99 in the appeal preferred by Smt. K. Vijaya. Thereafter, the Petitioner Union has raised an industrial dispute on 16-12-99 which has resulted as a reference of industrial dispute for adjudication by this Tribunal. Though all the procedures for holding a proper enquiry has been followed, the Enquiry Officer by his total non-application of mind to the given fact, and perverse reasoning arrived at a perverse finding, thereby vitiating the enquiry report. The subsequent action of the management in imposing the punishment on the basis of the Enquiry Officer's report is totally unjustified. The imposition of punishment of compulsory retirement on Smt. K. Vijaya from the services of II Party/bank is liable to be set aside as unjustified. The domestic enquiry was held in violation of principles of natural justice and fair play, as the Enquiry Officer by his biased and perverse finding held the charges levelled against Smt. K. Vijaya stand proved, though on the side of the management, the charges have not been proved conclusively beyond any doubt. There were many contradictory statements made by the management witnesses in the domestic enquiry, which was not taken into consideration by the Enquiry Officer. The evidence given by the charge sheeted employee in the domestic enquiry was totally rejected by the Enquiry Officer. The concerned workman Smt. K. Vijaya did not receive any cash payment to accrue any pecuniary benefit, she had only signed the withdrawal slip in identification of the customer, as requested by the special assistant. While giving credence to the statements made by MW3, who himself being a person involved in misconduct by passing two withdrawal slips recklessly violated all the rules and regulations of the bank. The defence representative established in clear terms about the faulty procedure followed in the bank and the employee Smt. K. Vijaya, sub-staff, Sales Town branch has been made as a scapegoat and all the irregularities committed by the superior officers. The Enquiry Officer has failed to assess the evidence on either side properly. The Enquiry Officer has not dealt with all the

facts and circumstances of the case and on mere seeing signature in the withdrawal slip held that the charges against the employee was proved. The Enquiry Officer without going into the full merits of the case, blindly concluded the findings in favour of the management in a biased manner and by perverse reasoning. The Enquiry Officer totally disregarded all the defence versions in a very pre-determined manner. The management imposing punishment of compulsory retirement from the service of the bank of the concerned workman is highly illegal, unjust and unfair. The Disciplinary Authority did not take into consideration the fact that the employee had a blemishless records in the past. The punishment imposed upon the employee is highly disproportionate to the gravity of the alleged charges framed against her and it is liable to be set aside. It is, therefore, prayed that this Hon'ble Court may be pleased to invoke the powers under Section 11A to interfere with the punishment imposed by the bank management against the concerned workman and to pass an award holding that the compulsory retirement from services of the bank of the employee Smt. K. Vijaya is illegal and unjustified and consequently direct the Respondent/Management to reinstate her into the services of the bank with back wages, continuity of service and all other attendant benefits.

3. The averments in the Counter Statement filed by the II. Party/Syndicate Bank Management Chennai, (hereinafter refers to as Respondent) are briefly as follows :—

The bank extended the facility of having a savings bank account and the account holder of the S.B. Account is on request, given the facility of operating the account by issue of cheque. Cheque books are issued only to such account-holders. Any account holders, who do not have cheque facility desires to draw money from the account, he should personally go to the bank, produce the passbook, make a requisition for a withdrawal slip and by using such withdrawal slips, he draws the amount. No sooner a person presents cheque or withdrawal slip for withdrawing the amount, token is issued so that after the cheque or withdrawal slip is cleared, the cashier will make the payment to the token holder. The issue of token is for identification to the cashier as to the person who presented the instrument. As the bank staff are known to the cashier, while making payment to a staff no token will be issued. On 16-7-1973 in Salem Town Branch one Mrs. Chellammal of Ammapet, opened a S.B. Account No. 5436. The said account was not operated after 1973. In the year 1998 when dormant accounts having a balance of less than Rs. 100 were scrutinised, it came to light that S.B. account No. 5436 had a credit balance of Rs. 61.45. On verification, it was found that the account holder had died in the year 1988. Withdrawal had been made in the account even after 1988 and an investigation was made into the operation of the account. After 1988 there were three withdrawals for Rs. 500 each on 3-6-96, 28-6-96 and 1-7-96 and the fourth withdrawal of Rs. 270 was on 30-4-1997. Though all the four withdrawals were fraudulent, the last withdrawal which was made by withdrawal slip bearing No. 362597 showed that the payment was made to the concerned staff. The forged signature of the account holder was made on the backside of the instrument. On the backside of the instrument, the concerned staff had also signed indicating that the concerned staff had received the payment. There was no token number. On 23-12-1988, a charge sheet cum suspension order was issued to the concerned staff charging her with the misconduct that in respect of the withdrawal slip number 362597 dated 29-4-1997, relating to S.B. account number 5436 of Mrs. Chellammal, the concerned staff had either forged or caused the forged signature of the account holder presented the withdrawal slip for payment and fraudulently received the sum of Rs. 270 on 30-04-1997 for her benefit. The concerned staff gave a reply dated 4-1-99 denying the charges. Thereafter, she was asked to appear for an enquiry. In the domestic enquiry, four witnesses were examined in support of the charges and the concerned staff examined four witnesses. 14 documents were marked on the side of the management in support of the charges. The concerned workman had marked 10 documents on her side. On 9-7-99, the Enquiry Officer gave his report holding that it was established that the concerned staff had presented the withdrawal slip No. 362597 relating to S.B. Account No. 5436 of Mrs. Chellammal received payment of Rs. 270 and the concerned staff had forged or caused forged the signature of the account holder and fraudulently received Rs. 270 for herself. By a communication dated 19-7-99 a copy of the report was furnished to the concerned staff and she was asked to make her submissions

on the findings. She gave her reply dated 29-7-99. On 14-8-99, the Disciplinary Authority issued the 2nd show cause notice proposing the punishment of dismissal and asking the concerned staff to appear for a personal hearing on 19-8-99. On that day, the concerned staff appeared before the Disciplinary Authority and pleaded that she was innocent. After considering her representation, orders were passed on 3-8-99 awarding the punishment of compulsory retirement from service. The appeal preferred by the concerned staff against the order of Disciplinary Authority was dismissed by the Appellate Authority on 17-11-1999. The compulsory retirement of the concerned staff is perfectly justified in law and the same should not be interfered with for any other reasons urged in the Claim Statement. The enquiry of the concerned staff was conducted in conformity with the principles of natural justice. There was adequate evidence to establish the charges against the concerned staff. If the account holder or her authorised person comes to bank and presents the withdrawal slip for payment, a token would have been issued and the token number would find a place in the withdrawal slip in which event, there would be no need for anyone to identify the account holder or the person who presents the instrument. In the instant case, since the payment was made to the concerned staff, since she had signed on the backside of the withdrawal slip and hence no token was issued. It is therefore, not correct to say that the concerned staff affixed her signature to identify the signature of the account holder. In any event, since Mrs. Chellammal had expired in 1988, there was no scope for the concerned staff to affix her signature to identify the signature of the account holder on the reverse of the withdrawal slip on 30-4-97. Even if, she had signed it by way of identification, she had deliberately misled the bank about the identity of the account holder. There was no faulty procedure and in any event it was not permissible for any staff to take advantage of not following the procedure and derive the benefit out of it. The alleged deviation from the laid down procedure in the matter of effecting payment against the fraudulent withdrawal slip in certain other cases would not go to the benefit of the concerned staff. The Enquiry Officer has given valid reasons to come to the conclusion that the concerned staff received the payment after affixing her signature on the reverse side of the withdrawal slip. The alleged discrepancies in the evidence of MW1 and MW3 would not vitiate the conclusion arrived at by the Enquiry Officer. Since the account holder Mrs. Chellammal died long before in the year 1988, the signature in the withdrawal slip could not be genuine and that it could only be forged. It is immaterial whether the concerned staff forged the signature of the account holder or at her instance, it was forged. The fact remains that it was the concerned staff who received payment by affixing her signature on the reverse of the withdrawal slip. But for the signature of the concerned staff, the bank would not have made the payment. The signature of the concerned staff in the withdrawal slip would only indicate that the payment was made to the staff as only in cases, where payment is made to the staff no token number would be mentioned. The Enquiry Officer has given cogent and valid reasons for his findings and the said findings are not liable to be interfered with. The various points raised by the concerned staff were duly considered by the Disciplinary Authority as well as the Appellate Authority and the order of compulsory retirement was made. It is, therefore, prayed that this Hon'ble Court may be pleased to make an award rejecting the claim of the Petitioner.

4. When the matter was taken up for enquiry, no one has been examined as a witness on either side. From the side of the Petitioner 9 documents were marked as Ex. W1 to W9. On the side of the Respondent/Management 17 documents were marked as Ex. M1 to M17. The learned counsel on either side have advanced their respective arguments.

5. The Point for my consideration is—

“Whether the action of the management of Syndicate Bank in imposing the punishment of compulsory retirement upon Smt. K. Vijaya vide order dated 31-08-99 is justified and legal? If not, what relief is the said workman entitled to?”

Point :—

The Petitioner Union has raised this industrial dispute espousing the cause of the workman Smt. K. Vijaya alleging that the action of the Management of Syndicate Bank in imposing punishment of compulsory retirement upon Smt. K. Vijaya by its order dated 31-8-99 is unjustified and illegal. It is admitted that the concerned workman Smt. K. Vijaya

was working as an attender at Salem Town Branch since 4-11-1981. It is also admitted that one Mrs. Cheilammal of Ammapet opened a Savings Bank Account in the Salem Town Branch of the Respondent/Bank and her account No. is 5436. The said Mrs. Cheilammal wife of Sri K. Varadarajulu Chettiar who was residing at Ammapet, Salem died on 21-7-1988. One Sri K. V. Chandrasekaran S/o K. Varadarajulu Chettiar had sent a letter dated 12-8-98 to the Bank Manager informing that his mother, the holder of S.B. Account No. 5436 died some seven years back, the xerox copy of that letter is Ex. M3. The xerox copy of the certificate of death issued by Salem Municipal Corporation for the said Cheilammal is Ex. M4. In that death certificate, the date of death of said Smt. Cheilammal, W/o K. Varadarajulu Chettiar has been shown as 21-7-88. For opening that S.B. Account No. 5436, the said Mrs. Cheilammal had given her specimen signatures. The xerox copy of the card containing her specimen signature is Ex. M1. Her account was opened on 16-7-73. Ex. M2 is the xerox copy of the S.B. Ledger Sheet No. 03029 of Account No. 5436 containing the transactions done by the said Smt. Cheilammal by operating that account till 1975. Though the account holder died in the year 1988 as it is seen from Ex. M3 and M4, from Ex. M2 ledger sheet, it is seen that withdrawals from that account had been made during 1996 and 1997 and the last withdrawal was for Rs. 270 on 29-4-1997. It is not denied that the account holder of a S.B. account in the Respondent/Bank used to be extended cheque facility on request for operating the account by issue of cheque and the account holder who do not have cheque facility, desires to draw money from the account he should personally go to the bank, produce the pass book, make a requisition for withdrawal slip and by using such withdrawal slip he draws the amount. It is contended in the Counter Statement of the Respondent that no sooner a person presents cheque or withdrawal slip for withdrawing the amount a token is issued, so that after the cheque or withdrawal slip is given the Cashier will make the payment to the token holder and that the issue of token is for identification to the cashier as to the person, who presented the instrument is not denied. The further averment in the Counter Statement that as the bank staff are known to the cashier, while making payment to a staff, no token will be issued. It is also not denied by the Petitioner. The charge sheet dated 23-12-98 was issued to the concerned workman Smt. K. Vijaya charging her with the misconduct that in respect of a withdrawal slip No. 362597 dated 29-4-97 relating to S.B. Account No. 5436 or Smt. Cheilammal, she had either forged or caused the forged signature of the account holder, presented the withdrawal slip for payment and fraudulently received the sum of Rs. 270 on 30-4-97 for her benefit. Ex. W1 is the xerox copy of the said charge sheet. For that the concerned workman had submitted her explanation dated 4-1-99. The xerox copy of the same is Ex. W2. In that explanation the concerned workman had stated that in Salem Town Branch the practice of calling for confirmation by the staff for the purpose of identification of the customer has been followed and as she hails from Ammapet area, on certain occasions, she had been advised to identify the customers and having done so, she had to sign on the back of the withdrawal slip/cheque leaf. Since the management had felt that her explanation was not satisfactory, she was asked to appear for an enquiry. In the domestic enquiry, four witnesses were examined for the management and 14 documents were exhibited as management documents. On the side of the delinquent employee four witnesses have been examined and 10 documents were marked as defence exhibits.

Ex. W3 is the xerox copy of the enquiry proceedings. Ex. W4 is the xerox copy of the written brief submitted by the defence representative to the Enquiry Officer. Ex. W5 is the xerox copy of the enquiry report dated 9-7-1999 submitted by the Enquiry Officer. 14 documents filed as exhibits from the side of the management in the domestic enquiry have been marked as management Exhibits 1 to 14 respectively before the Enquiry Officer. The xerox copy of those documents are Exs. M1 to M14. All these things have not been disputed by the Petitioner/Workman. The conduct of the enquiry by the Enquiry Officer has not been disputed by the Petitioner/Workman. It is evidenced from the enquiry proceedings Ex. W3 that proper and sufficient opportunity was given to the Petitioner/Workman to put forth her defence effectively and the same has been availed by her through her defence representative by examining the management witnesses and also be examining her own witnesses as defence witnesses apart from filing documents as defence exhibits. From this, it is seen that the domestic enquiry has been conducted by the concerned Enquiry Officer in respect of the charges levelled against the

Petitioner under Ex. W1 in a fair and proper manner following the principles of natural justice.

6. It is the contention of the learned counsel for the Petitioner that the Enquiry Officer has not properly considered the evidence given by the defence witness and his report is vitiated by his perverse findings. Therefore, the findings of the Enquiry Officer in his report Ex. W5 holding that the charge levelled against the Petitioner under Ex. W1 charge sheet proved cannot be accepted. So, the punishment imposed by the Disciplinary Authority relying upon the findings of the Enquiry Officer in his report is incorrect and illegal. So, the order passed by the Disciplinary Authority dated 31-8-99 under Ex. W7 imposing the punishment of compulsorily retiring the Petitioner from the services of the bank with immediate effect has got to be set aside as illegal.

7. The learned counsel for the Respondent/Management would argue that the Enquiry Officer has given his findings on the basis of the oral and documentary evidence let in on either side and he has come to the conclusion that the charge levelled against the Petitioner/Workman has been proved only after appraising the oral and documentary evidence on either side and after convincing that sufficient evidence is there to hold that the Petitioner is guilty of the charge levelled against her. So, it cannot be said that the findings of the Enquiry Officer is perverse and he has not considered the evidence given by the delinquent employee before the Enquiry Officer, who is the Petitioner herein, as defence evidence.

8. A perusal of Exhibits in this case on either side clearly shows that the contention of the learned counsel for the Respondent is correct and acceptable. Ex. W2 is the xerox copy of the explanation dated 4-1-1999 submitted by the Petitioner to the charge memo under Ex. W1. In that explanation, she admitted that she has signed on the back of the withdrawal slip, that it is only for the purpose of identifying the customer who is the account holder, as she has been advised. It is also not disputed that whenever a staff presents a cheque or withdrawal slip, no token is issued and token number will not be given to that instrument. Ex. M5 is the xerox copy of the disputed withdrawal form. Admittedly, no token number is mentioned on it. This withdrawal form has been used for withdrawal of Rs. 270 from the savings bank account No. 5436 of Salem Town Branch of the Respondent Syndicate Bank on 29-4-1997. It does not contain any token number. But it contains the signature as that of the account holder Smt. Cheilammal in Tamil. Ex. M4 is the xerox copy of the death certificate of said Smt. Cheilammal disclosing the death of Smt. Cheilammal on 21-7-1988. So, this account holder Cheilammal would not have been alive on 29-4-1997 to withdraw a sum of Rs. 270 from her S.B. Account No. 5436 on 29-4-1997 under withdrawal slip Ex. W2. It is the admission of the Petitioner in her explanation Ex. W2 that she subscribed her signature in the withdrawal slip only to identify the customer. When the customer herself was not alive on the date mentioned in the withdrawal slip, subscribing her signature or identifying the customer can only be a fraudulent act committed by the Petitioner. In her explanation Ex. W2, she has not stated that Manager only had directed her to identify the customer who signed in the withdrawal slip. Further, a perusal of the admitted specimen signature of Smt. Cheilammal the account holder in the specimen signature card (xerox copy Ex. M1) in comparison with that of the signature available as that of account holder in the withdrawal form Ex. M5, clearly shows that both of them are not tally. The signature in Ex. M5 is nothing but a forged one, since as per the death certificate Ex. M4, the date on which Ex. M5 has been drawn the account holder Mrs. Cheilammal was not alive. Further under Ex. M3 letter, the son of the account holder Smt. Cheilammal has also informed the bank that his mother W/o. K. Varadarajulu Chettiar had died around seven years back. This letter he has written to the bank on 12-8-1998. Further, it is seen from Ex. M2, the xerox copy of the S.B. ledger sheet No. 03029 of account No. 5436 of Mrs. V. Cheilammal. All entries have been made towards as interest entries and no withdrawal has been made from that account upto 2-3-1996. The entries available in Ex. M9 the xerox copy of the pass book of the account holder also show that after July 16, 1973 there was no entry at all. But in Ex. M2 ledger sheet it is seen that in 1996 three withdrawals on three different dates, each for Rs. 500 have been made from out of the amount available in this account and the last withdrawal was under Ex. M5 for Rs. 270. Ex. M6 is the xerox copy of the non-operative S.B. account subsidiary day sheet wherein it is seen that an entry on 30-4-1997 under S.B.

Account No. 5436 a clearance entry for Rs. 270 has been made. From this, it is seen that an amount of Rs. 270 has been paid under Ex. M5 withdrawal slip from the S.B. account No. 5436 of Smt. Chellammal. Ex. M8 is the xerox copy of the cash controlling sheet maintained at Salem Branch of the Respondent/Bank for 30-4-1997. In that also under S.B. Account No. 5436 through the withdrawal slip No. 362597 Mrs. Chellammal has been paid Rs. 270. Further, it is seen from the enquiry proceedings that this delinquent employee, the Petitioner herein, has been examined as DW1. She has stated in her evidence that she did not receive the cash and that she generally used to sign on the instrument when customers from Ammapet come to the bank only to show that she knows them. As such, she has signed the Ex. M5 withdrawal slip. Further it is her evidence that one Mr. K.N. Ranganayalu showing her a person standing across the counter and asked her whether she knows the person and requested her to sign, she had signed accordingly. Further she has stated that she signed only to identify the customer and not in token of receiving the cash and generally she used to show the customer only and have the payment made to them. If this evidence of the Petitioner before the Enquiry Officer while examining herself as DW1 is true, it amounts to her identifying a person as Smt. Chellammal S.B. Account holder 5436, who said to be Smt. Chellammal. In all these three documents, the person who signed as Chellammal on the front side of the instrument has signed on the back side of the instrument also and token numbers have been mentioned in these instruments. Before the Enquiry Officer the Petitioner as delinquent employee has relied upon some other instruments as withdrawal slips and other documents to show that she has subscribed her signatures in those documents only to identify the customers. Those withdrawal slips are in respect of alive account holders and are genuine and they are not disputed. Relying upon all these evidences, the Enquiry Officer in his report has given a finding that after duly analysing the evidence let in on either side, he has mentioned in that report that he is unable to give credence to the statement of the charge sheeted employee and the signatures appearing on the reverse of the instrument in those documents show that she has signed for having received the cash in these instruments also, since it is a practice in banks to sign on the reverse of the instrument in token of receipt of cash and that non-issue of tokens only fortifies the fact that the customers has not received the cash and the charge sheeted employee has received the cash as per the evidence of MW2 and MW3, that since the charge sheeted employee received the payment in respect of any X, Y, token was not issued/insisted. In the cross examination of MW3 also no suggestion is made to him that he only directed the charge sheeted employee to put her signature in the disputed withdrawal slip for identification. From all these things, it is clearly seen that the Enquiry Officer has come to the conclusion that the charge levelled against the delinquent employee has been proved, since there are overwhelming evidence available as oral and documentary evidence. So, under such circumstances, it is incorrect to state that the Enquiry Officer has given a perverse finding and he has given finding without properly considering the evidence given by the defence witnesses. So, the argument advanced by the learned counsel for the Petitioner on this aspect cannot be accepted as correct.

9. It is the specific finding of the Enquiry Officer in his report that the charge sheeted employee has received that payment with a fraudulent intent to derive pecuniary benefit for herself and also caused to forge the signature of the depositor and that he found the charges levelled against the Petitioner Smt. K. Vijaya stand proved. A perusal of the Enquiry Officer's report Ex. W5 clearly shows that he has come to that finding only after proper analysis of the entire evidence both oral and documentary placed before him on either side during the domestic enquiry.

10. On the basis of the findings of the Enquiry Officer, the Disciplinary Authority, after perusing the submissions made by the Petitioner for the findings of the Enquiry Officer under Ex. W6, has considered in detail the Enquiry Officer's report and had passed an order under Ex. W7 by imposing the punishment of compulsorily retiring the Petitioner from the services

to the interests of the bank vide Clause 19.5(j) of Bipartite Settlement. He has also observed in that final order stating that the charge levelled against the Petitioner i.e. forgery/causing forgery of the signature of the account holder who expired on 21-7-1988 and fraudulent receipt of Rs. 270 by presenting a withdrawal slip for the same are serious and grave in nature warranting imposition of deterrent punishment and taking into consideration, that the Petitioner has to look after three daughters, who are dependent on her after the demise of her husband etc., he is inclined to reduce the punishment to compulsory retirement from the services of the bank and he is of the view that the said punishment would commensurate with serious acts of misconduct proved against her and will meet ends of justice. From this decision of the Disciplinary Authority, it is seen that by imposing the punishment of compulsory retirement from the services of the bank to the Petitioner her livelihood is not completely taken away. So under such circumstances, on the basis of the materials available in this case, it can be easily concluded that the action of the management of Syndicate Bank in imposing the punishment of compulsory retirement upon Smt. K. Vijaya vide order dated 31-8-1999 is justified and legal. Hence, the concerned workman is not entitled to any relief. Thus, the point is answered accordingly.

11. In the result, an Award is passed holding that the action of the management of Syndicate Bank in imposing the punishment of compulsory retirement upon Smt. K. Vijaya vide order dated 31-8-1999 is justified and legal. Hence, the concerned workman is not entitled to any relief. No cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 22nd April, 2002.)

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

On either side : None

Exhibits marked :

For the I Party/Claimant

Ex.	Date	Description
W1	23-12-98	Xerox copy of the chargesheet issued to concerned workman by the Respondent/Management.
W2	04-01-99	Xerox copy of the explanation submitted by the Chargesheeted employee to Respondent/Management.
W3	20-05-99	Xerox copy of the enquiry proceedings.
W4	26-05-99	Xerox copy of the written brief submitted by the Defence representative to Enquiry Officer
W5	09-07-99	Xerox copy of the enquiry report
W6	29-07-99	Xerox copy of the written submissions submitted by Concerned workman to Dy. General Manager.
W7	31-08-99	Xerox copy of the order of the Disciplinary Authority imposing punishment.
W8	16-12-99	Xerox copy of the letter from the Petitioner Union raising industrial dispute before the Regional Labour Commissioner.
W9		Xerox copy of the withdrawal slips marked during the domestic enquiry on behalf of defence side.

For the II Party/Management :

M1 16-07-73	Xerox copy of the specimen signature card of Account No. 5436 pertaining to Smt. V. Chellammal.
M2 Nil	Xerox copy of the S.B. ledger sheet No. 03020 of A/c No.5436 pertaining to Smt. Chellammal.
M3 12-08-98	Xerox copy of the letter from K.V. Chandrasekaran to II Party/Management.
M4 01-12-98	Xerox copy of the death certificate of Smt. Chellammal.
M5 29-04-97	Xerox copy of the withdrawal slip of II Party Town branch for Rs. 210/- drawn on S.B. A/c 5436.
M6 21-04-97 to 10-05-97	Xerox copy of the SB Non-operate sub day sheet
M7 30-04-97	Xerox copy of the Cashier's Payment Scroll.
M8 30-04-97	Xerox copy of the cash controlling sheet maintained at Salem branch of II Party with regard to payments and receipts.
M9 Nil	Xerox copy of the SB Pass Book of A/c. No. 5436 of Smt. Chellammal.
M10 28-04-97 to 02-05-97	Xerox copy of the withdrawal slip issued register maintained at Salem branch of II Party.
M11 April, 1997	Xerox copy of the register of attendance of II Party.
M12 02-08-95 to 27-11-95	Xerox copy of the register of allocation of work on rotation basis maintained at Salem Town Branch.
M13 22-10-98	Xerox copy of the deposition of K.N. Ranganayakulu Ex-Clerk.
M14 22-10-98	Xerox copy of the deposition of K. Arunachalam, Clerk.
M15 14-08-99	Xerox copy of the 2nd show cause notice issued to concerned workman proposing punishment and advising her to attend personal hearing on 19-8-99.
M16 19-08-99	Xerox copy of the minutes of personal hearing given to concerned workman.
M17 17-11-99	Xerox copy of the proceedings of Appellate Authority in the appeal preferred by the concerned workman.

नई दिल्ली, 7 मई, 2002

का. ग्रा. 1826.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूकी बैंक के प्रबंधनत्र के संबंध मियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में श्रीधोगिक अधिकरण/अमं म्यायालय जोधपुर के पचाट (संदर्भ संख्या 4/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-5-02 को प्राप्त हुआ था।

[सं. एल-12012/241/98-आईआर (बी-II)
सी. गगाधरण, अवर सचिव

New Delhi, the 7th May, 2002

S.O. 1826.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/99) of the Industrial Tribunal-cum-Labour Court, Jodhpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 6-5-2002.

[No. L-12012/241/98-IR(B-II)]
C. GANGADHARAN, Under Secy.

अनुबंध

श्रीधोगिक विवाद, अधिकरण एवं अमं म्यायालय जोधपुर।
पीठसीन अधिकारी :— श्री राजेन्द्र कुमार चाचाण आर.

एच.जे.एस.

केन्द्रीय श्री.वि.सं. :— 04/99

श्री अमेप्रकाश वर्मा जरिये स्टेट प्रेसिडेंट, यूकी बैंक स्टाफ एसोसिएशन परवाना भवन माधोबाम, जोधपुर।

प्रार्थी

बनाम

दी रिजनल बैन्क, यूकी. बैंक डिविजनल ऑफिस जी-79
शास्त्रीनगर, जोधपुर।

अप्रार्थी

उपस्थिति :—

(1) प्रार्थी की ओर से श्री विजय मेहता प्रतिनिधि

(2) अप्रार्थी की ओर से श्री आर.एल. नाथ प्रतिनिधि

अधिनियम

दिनांक 07-02-2002

केन्द्रीय अमं म्यायालय भारत सरकार नई दिल्ली ने अपनी अधिसूचना क्रमांक एल. 12012/241/98-आईआर (बी-II) दिनांक 30-3-99 से निम्न विवाद वास्ते अधिनियम इम म्यायालय को प्रेषित किया है :—

“Whether the action of the management of UCO Bank Jaipur in terminating the services of Sh. Om Prakash Verma, Ex-Daily Rated Workman w.e.f. 29-3-94 and without giving notice in writing and retrenchment compensation as per Section 25F of Industrial Dispute Act, 1947 is legal and justified? If not, what relief is workman entitled to?”

प्रार्थी ने अपना सांग-पत्र प्रस्तुत करने हुए अधिकारित किया है कि प्रार्थी की नियुक्ति दैनिक वेतन पर सब स्टाफ अर्थात् चतुर्थ श्रेणी कर्मचारी के पद पर दिनांक 26-9-91 को युको बैंक की सरदारपुर शाखा में की गई जो चतुर्थ श्रेणी कर्मचारी के गिरक्त स्थान पर हुई जहां प्रार्थी ने निरन्तर 28-3-94 तक कार्य किया, प्रार्थी ने 715 दिन निरन्तर कार्य किया तथा सेवापृथकता के पूर्व के एक वर्ष में उसने 240 दिनों से अधिक दिनों तक कार्य किया, प्रार्थी को दिनांक 29-3-94 को मौखिक आदेश से सेवा से पृथक कर दिया, सेवापृथकता में पूर्व प्रार्थी को न तो एक माह का नोटिस दिया गया न ही नोटिस की एवज में नोटिस वेतन दिया गया न ही छठनी मुआवजा दिया गया, विश्विता मूल्य भी भी नियमानुसार प्रकाशित नहीं की गई, कनिष्ठ श्रमिकों को नियोजित रखा गया अतः सेवापृथकता एज ऐबीनेश्यो बॉर्ड व निष्प्रभावी है। यह भी कहा गया है कि प्रार्थी की सेवापृथकता के तुरन्त पश्चात् श्री संजय काँदू दैनिक वेतन पर चतुर्थ श्रेणी का कार्य करने के लिए नियुक्त किया गया, उसे नियुक्त करने से पूर्व प्रार्थी को सेवा में पुनर्स्थापित होने की ओफर नहीं दी गई इसके पश्चात् भी नई नियुक्तियां दी गई लेकिन प्रार्थी को ओफर नहीं दी गई। प्रार्थी का कथन है कि वह द्विपक्षीय समझौते के अनुसार टेम्प्रेरी श्रमिक हो चुका था तगा उसे सेवा से पृथक नहीं किया जाए सकता था। अन्त में प्रार्थना की है कि प्रार्थी की सेवा की निरन्तरता में सेवा में पुनर्स्थापित किया जाकर देय समर्त लाभ प्रार्थी से दिलाए जावें।

प्रार्थी की ओर से जवाब प्रस्तुत करने हुए कहा गया है कि प्रार्थी ने अप्रार्थी के यहां दैनिक वेतन पर कार्य किया, प्रार्थी को नियमानुसार लिखित आदेश के सत्य तथा नियमानुसार भूगतन का पे-डिंडर भेजकर सेवा से पृथक किया, प्रार्थी जब दैनिक वेतन भोगी के रूप में कार्य करने नहीं आया तब उसे दिनांक 18-5-94 की रजिस्टर्ड पत्र देकर काम पर आने के लिए कहा गया जो पत्र प्रार्थी के पिता लक्ष्मीनारायण को प्राप्त हुआ, प्रार्थी व लक्ष्मीनारायण जी साथ में ही रहते हैं। लेकिन इसके बाबजूद प्रार्थी काम पर नहीं आया तब दिनांक 30-5-94 को नियमानुसार नोटिस देकर व वकाया राशि का पे-डिंडर 6700/- का बनाकर रजिस्टर्ड डाक से भेजा गया जो डाक वापस लौटकर आई नोटिस पर लिखा था कि लक्ष्मीनारायण ने बताया कि ओमप्रकाश घर से लापता है, वही दिनों से इमलिए रजिस्टर्ड पत्र वापस भेजा जाता है, प्रार्थी को सेवा से हटाने के बाब विसी कर्मचारी को नहीं रखा गया है, प्रार्थी को नियमानुसार हटाया गया तथा प्रार्थी के राय कोई द्विपक्षीय मतभौता नहीं हुआ, प्रार्थी ने मात्रनीय उच्च न्यायालय जोवपुर में एक रिट्राइचिका संख्या 955/94 ओमप्रकाश बनाम युको बैंक पेश की जो खारिज हो चुकी है। अन्त में प्रार्थना की गई कि प्रार्थी का गांग-पत्र सम्बन्ध खारिज किया जावे।

प्रार्थी ने अपने मांग-पत्र की ताईड़ में स्वर्य का शपथ-पत्र प्रस्तुत किया जिसपर अप्रार्थी प्रतिनिधि द्वारा जिरह की गई तथा अप्रार्थी की ओर से किशन मिह का शपथ-पत्र

प्रस्तुत किया जिसपर प्रार्थी प्रतिनिधि द्वारा जिरह की गई। प्रार्थी की ओर से कोई दम्भावजी भाषण प्रस्तुत नहीं की गई है जबकि प्रार्थी की ओर से पत्र दिनांक 18-5-94 ए.डी. रसीद, पत्र दिनांक 30-5-94 (छठनी आवेदन), रजिस्टर्ड-पत्र की कोटी काँपी व मूल पेश की गई।

मैंने दोनों पक्षों के विवाल प्रतिनिधिगण की बहस मुनी पत्रावली का अवलोकन किया।

उभय-पक्षों के अभिकथनों के आधार पर इस प्रकरण में यह विचारणीय है कि क्या प्रार्थी स्वतः ही कार्य से अनुपस्थित रहा और क्या विपक्षी ने प्रार्थी के कार्य से अनुपस्थित रहने पर कार्य पर उपस्थित होने हेतु कोई सूचना प्रार्थी को प्रेषित की, यदि हां तो प्रार्थी क्या अनुतोष प्राप्त करने का अधिकारी है?

दोनों पक्षों की साक्ष्य में इस प्रकरण में यह निर्विवाद है कि प्रार्थी ने सेवापृथकता से पूर्व के साल में निरन्तर 240 दिन कार्य कर लिया था लेकिन मुख्य विवाद यह है कि प्रार्थी स्वतः कार्य पर नहीं आया। इस सम्बन्ध में प्रार्थी अपनी साक्ष्य में कहता है कि मेरे को नौकरी का कोई नियुक्ति-पत्र नहीं मिला, 29-3-94 से पूर्व मैंने निरन्तर कार्य किया है, मैं मेरे पिता जी के साथ नहीं रहता, मैंने बैंक में अपने पिताजी का पता दिया वही सही पता था, मैंने मेरे दूसरे बच्चे पते की मूच्चना नहीं दी, न ही मांगी गई, मेरे को नौकरी पर आने का बैंक नोटिस, पोस्टल रसीद डी. नहीं मिली मेरे पिताजी के ए.डी. पर प्राप्ति के हस्ताक्षर नहीं हैं, हमारा पत्र पर पता सही लिखा है, मेरे को एक माह का वेतन मुआवजा कों नोटिस भेजा हो तो पता नहीं, मेरे को नौकरी का वेतन, छठनी मुआवजा नहीं दिया, मेरे पते पर भेजा हो तो मुझे पता नहीं, मेरे पिताजी का सही पता मैंने बैंक में दिया था।

प्रार्थी का गवाह किशनमिह अपनी साक्ष्य में कहता है कि प्रार्थी ने काम पर आना बंद किया रिकार्ड में कोई इन्द्राज नहीं है, हमने प्रार्थी को कार्य पर आने का कोई नोटिस नहीं दिया, 18-5-94 से 30-5-94 के पक्षों में प्रार्थी ने आना-नौकरी पर बंद कर दिया नहीं लिखा है, सही है प्रार्थी ने नौकरी पर आना बंद कर दिया, पत्रावली में मेरे पूर्व के अधिकारी ने लिखा है, प्रार्थी को नौकरी से निकालकर दूसरा आदमी नहीं लिया, हमने पत्र प्रार्थी के रिकार्ड के पते पर भेजा था, यह सही है कि 30-5-94 को प्रार्थी को सेवा से पृथक करने का पत्र जारी किया गया, प्रार्थी नौकरी पर कब से अनुपस्थित रहा मैं नहीं बता सकता, मेरे अधीन प्रार्थी ने काय नहीं किया।

विपक्षी की ओर से वस्तावेजी साक्ष्य में पत्र दिनांक 18-5-94 प्रस्तुत किया है जिसमें विपक्षी ने अंकित किया है कि “अतः आपसे यह आग्रह किया जाता है कि आप दोस्रे पत्र के प्राप्त होने के 24 घण्टे के अन्दर हमारी शाखा में दैनिक मजदूरी पर कार्य करने के लिए पधारे यदि आप इस पत्र की प्राप्ति के 24 घण्टे के अन्दर हमारी शाखा में

किसी भी कारण से लदनुसार कार्य करने हेतु नहीं आते हैं तो हम औद्योगिक लिंकमों की अनुकूलता में उन्नित कार्यवाही करने हेतु रेजिस्टर्ड होती है। उक्त पत्र “श्री ओमप्रकाश वर्मा पुत्र श्री लक्ष्मीनारायण वर्मा निवास कैलांग मंगर गली नं. 4, मकान नं. 8 ओफिसर लैस के पास एप्लिकेशन शीड, जोकपुर” का पता अंकित कर प्रेषित किया गया। उक्त एक रजिस्टर्ड प.डी. से भेजा गया था 20-5-94 की प्रार्थी के पिता को प्राप्त हुआ था और प्रार्थी के पिता के लक्ष्मीनारायण के हस्ताक्षर मौजूद है। उक्त लिंक के बाबजूद यह प्रार्थी अप्रार्थी बैंक में उपस्थित नहीं हुआ तब दिनांक 30-5-94 को उक्त पते पर ही प्रार्थी को छांटनी का आदेश व उसके साथ एक माह के नोटिस की रद्द करने के एवज में 15.00/- रुपए एक माह की मजदूरी, 45 दिन की दैनिक मजदूरी मुआवजे के रूप में 2250/- व दिनांक 22-3-94 से 30-5-94 तक दैनिक मजदूरी 59 रुपए 2950 कुल 6700/-रुपए का पेंडोर्ड सं. 536041 दिनांक 30-5-94 प्रेषित किया गया व प्रार्थी की सेवाएं तान्त्रिक प्रभाव से समाप्त की गई। उक्त छांटनी आदेश जिस लिंक के भेजा गया था लिंक का भूल ही पक्षावली पर प्रस्तुत किया गया है जिसपर पोस्ट ऑफिस के पोस्टमैन द्वारा रिपोर्ट अंकित है “लक्ष्मीनारायण जी वर्मा ने बताया कि ओमप्रकाश घर से भाग्या है कई दिनों से इसलिए रजिस्टर्ड वापिस भेजी जाएँ।”

यहां यह उल्लेखनीय है कि स्वयं प्रार्थी अपनी सक्षय में इस स्थित को स्वीकार करता है कि उसने बैंक में अपने पिताजी का पता दिया था तथा दूसरे बैंक पते की सूचना उससे बैंक को नहीं दी थी। इस प्रकार बैंक के पास जो प्रार्थी ने अपना पता दर्ज करवाया था बैंक ने उसी पते पर प्रार्थी को शाखा में 24 घण्टे के अन्दर उपस्थित होने की सूचना भिजवाई जिस पते की स्वयं प्रार्थी के पति ने प्राप्त किया जो ए.डी. रसीद वर लक्ष्मीनारायण ओप्सकंटर के हस्ताक्षर से प्रमाणित होता है। उक्त सूचना के बाबजूद यह प्रार्थी शाखा में उपस्थित नहीं हुआ तब बैंक ने एक माह के नोटिस की रद्द करने के एवज में एक माह की मजदूरी, 45 दिन की दैनिक मजदूरी मुआवजे के रूप में तथा 22-3-94 से 30-5-94 तक दैनिक मजदूरी 59 दिनों की कुल 6700/- रुपए का पेंडोर बैंकर प्रार्थी को छांटनी आदेश के साथ जरिए रजिस्टर्ड ए.डी. पोस्ट से उसी पते पर प्रेषित किया जो पक्षावली पर उपलब्ध लिंक के से प्रमाणित है। उपरोक्त तात्पर मौखिक एवं नस्तोवेजी साक्षय से यहीं प्रमाणित होता है कि प्रार्थी स्वेच्छा से सेवा से अनुपस्थित रही जिसपर विवाद द्वारा उसे सेवा में उपस्थित होने हेतु जो लिंक दिया गया जिसके उपरांत श्री उपस्थित नहीं होने पर औद्योगिक विवाद अधिनियम के प्रौद्योगिकों की पालना करते हुए प्रार्थी की छांटनी की आवेदन मयर्पेंडोर उसके निवास के पते पर (जो उसके द्वारा बैंक में दर्ज करवाया गया था) प्रेषित किया गया लेकिन लिंक के पर अंकित पोस्टमैन की रिपोर्ट कि

प्रार्थी के पिता लक्ष्मीनारायण जी वर्मा ने बताया कि ओमप्रकाश घर से लापता है, कई दिनों से “अतः रजिस्टर्ड लिंक का वापस बैंक को लौटा दिया गया जो मूल पक्षावली पर उपलब्ध है। इस प्रकार स्पष्ट है कि अप्रार्थी नियोजित द्वारा औद्योगिक विवाद अधिनियम के प्रावधानों की पालना करते हुए छांटनी आदेश जारी कर प्रार्थी को प्रेषित किया गया है। मेरी राय में प्रार्थी की स्वेच्छिक अनुपस्थिति से पारित सेवा समाप्त पूर्णतया उचित एवं बैद्य है।

प्रार्थी का यह तर्क कि उसे सेवापूर्वक करने के पश्चात् अन्य नए श्रमिकों को सेवा में नियोजित किया गया, भी किसी सक्षम साक्ष्य से प्रमाणित नहीं है। इसके विपरीत विषेषज्ञी के गवाह ने अपनी साक्ष्य में स्पष्ट रूप से कहा है कि प्रार्थी को नौकरी से निकालकर दूसरा आदमी नहीं लिया। हॉलिक प्रार्थी ने अपने मांग-पत्र में तो यह अंकित किया है कि उसे सेवापूर्वक करने के पश्चात् श्री संजय को दैनिक बैतन पर कार्य करने हेतु नियुक्त किया लेकिन उक्त तथ्य को किसी साक्ष्य में प्रमाणित नहीं किया है त ही ऐसा कोई नियुक्ति का आदेश या अन्य कोई साक्ष्य ही पेश की है जिससे यह प्रमाणित भावा जा सके कि प्रार्थी को मेंढ़पूर्वक करने के पश्चात् प्रार्थी ने किसी अन्य को सेवा में नियुक्त किया हो ऐसी स्थिति में अप्रार्थी द्वारा जो साक्ष्य प्रस्तुत की है कि प्रार्थी को सेवा में निकालने के पश्चात् किसी अन्य को सेवा में नहीं रखा गया विश्वसनीय है। अर्थात् उक्त आधार पर भी प्रार्थी कोई राहत प्राप्त करने का अधिकारी नहीं रहता है।

उपरोक्त विस्तृत विवेचन के आधार पर मैं इस नियुक्ति पर पहुंचा हूँ कि प्रार्थी को स्वेच्छिक अनुपस्थिति से विटित सेवा समाप्ति पूर्णतया उचित एवं बैद्य है। प्रार्थी अप्रार्थी से कोई राहत प्राप्त करने का अधिकारी नहीं है।

अधिनियम

अतः यह अधिनियम किया जाना है कि श्री ओमप्रकाश प्रार्थी की स्वेच्छिक अनुपस्थिति के कारण अप्रार्थी युको बैंक द्वारा दिनांक 29-3-94 से की गई छांटनी (सेवा समाप्ति) पूर्णतया उचित एवं बैद्य है। प्रार्थी कोई राहत अप्रार्थी से प्राप्त करने का अधिकारी नहीं है।

इस अधिनियम को अनुकूलनार्थ केन्द्रीय शासन को प्रेषित किया जावे।

यह अधिनियम आज दिनांक 07-02-2002 को खुले न्यायालय में हस्ताक्षर कर मुनाया गया।

राजेन्द्र कुमार चालाण, न्यायाधीश

नई दिल्ली, 8 मई, 2002

का.आ. 1827.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबंधनक के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकारण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 109/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 07-5-2002 को प्राप्त हुआ था।

[सं. एल-12013/102/98—आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th May, 2002

S.O. 1827.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 109/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 07-05-2002.

[No. L-12013/102/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer.

I.D. No. 109/2000

(Kanpur No. 74/99)

Reference No. L-12013/102/98-IR(B-II)

Dated : 31-3-1999

BETWEEN

The General Secretary,
Union Bank Employees Union
U.P. Central Office,
628/M-33, Murari Nazar,
Faizabad Road,
Lucknow-226018.

AND

The General Manager,
Union Bank of India
Zonal Office,
Sharda Tower,
2nd Floor,
Alliganj,
Kapoorthala Complex,
Lucknow-226018.

AWARD

By order No. L-12013/102/98-IR(B-II) dated 31-3-99, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub section (1) and Section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the General Secretary, Union Bank Employees Union, Central Office, Faizabad Road, Lucknow (espousing cause of Rama Shanker) and the General Manager, Union Bank of India, Zonal Office, Alliganj, Lucknow to CGIT-cum-Labour Court, Kanpur for adjudication. Later, this dispute was transferred to this tribunal.

The reference under adjudication is as under :

"Whether the action of the Management in not assigning the Bill Collectors post carrying special allowance to Shri Rama Shanker at New Parwa branch is justified? If not, to what relief the said workman is entitled to?"

2. The workman, Rama Shanker, joined the services of Union Bank of India on 24-12-1984. He was converted to the post of full time Peon w.e.f. 1-11-95. At that time, he was posted at Jaunpur. On conversion he was posted at New Parwa branch. He was not relieved immediately to join duty at his new place of posting. He was relieved on 1-1-96 by the Branch Manager. However, he was paid full salary on his conversion to the post of Peon at Jaunpur. There was a vacancy of Bill Collector at the new place of posting viz., New Parwa branch which was to be filled in terms Staff Circular No. 2659 dated 8-2-84. As per the policy, the seniormost peon at the New Parwa branch was entitled to the post of Bill Collector, Carrying special allowance. One Abdul Kareem was inducted in service at New Parwa branch on 15-12-1995, though the workman was converted as Peon w.e.f. 1-11-95 but was detained by the bank management at Jaunpur and so he could not join at New Parwa branch before 15-12-95. Thus, he claims his seniority for the purposes of assigning duties of Bill Collector over Abdul Kareem who joined on 15-12-95 stating that he should be treated converted at New Parwa branch w.e.f. 1-11-95. His grievance is that his non-relieving in absence of a substitute upto 31-12-95 was not due to his fault and so he should be treated converted at New Parwa branch w.e.f. 1-1-996.

3. The management of the bank does not dispute facts as recited in the statement of claim. However, it pleads that for the purposes of special allowance as Bill Collector, the basis is, stationwise seniority and not service seniority. Since Abdul Kareem joined on 15-12-95, about a fortnight before the workman who joined on 1-1-96 he should be treated senior for the purposes of assigning duties of Bill Collector carrying special allowance.

4. The Staff Circular No. 2659 dated 8-2-84 is relied by both the parties. This circular was issued in pursuance to an agreement in relation to subordinate cadre attracting special allowance. Para 3(c) of the circular is:

(c) The seniormost member of the Subordinate Staff shall (excluding the Peon entrusted with the additional duties of a Head Peon and/or Daftary) at the Station will be assigned the duties of Bill Collector, in additional to his normal duties of a Peon.

5. It is to be determined as who was the 'senior most member' of the subordinate staff at the station, to be assigned the duties of Bill Collector, in addition to his normal duties of a Peon. Admittedly, the workman was converted as a Peon w.e.f. 1-11-95 and Abdul Kareem was posted on 15-12-95. The word 'seniormost member' amongst subordinate staff, does not signify stationwise seniority by virtue of date of joining at such station, but means the senior most amongst the staff posted over there. Logically, seniority in service in a particular cadre, working at the branch should be the guiding factor in allocating duties/posts carrying special allowances.

6.. The said circular in para 4 defines the expression 'senior most' means an employee having the higher length of service in the bank in subordinate cadre (exclusive the period of probation, if any). Moreover, the seniority has to be considered in subordinate cadre and not on a post attracting special allowance. In view of this definition expression 'senior most' implies higher length of service in the bank in subordinate cadre, not at a branch of the bank. The workman was converted as Peon w.e.f. 1-11-95 at Jaunpur and was paid salary of the said post. Abdul Kareem was newly posted on 15-12-95 so his length of service in service of the bank, was definitely, less than the workman. Para 1 of the claim statement states that the workman was paid full salary payable on his conversion to the post of Peon. This implied his working as a Peon w.e.f. 1-11-95. The written statement also admits that the workman, although senior in total service records, but was junior in terms of station wise seniority with joining in the branch on 1-1-96, whereas Abdul Kareem had joined a fortnight before on 15-12-95.

7. The approach of the bank appears to be against the spirit of circular No. 2659. The expression "senior most" as defined in the circular means having higher length of service in bank in subordinate cadre. It does not state higher length of posting at a particular branch of the bank in subordinate cadre. The entitlement of the workman is denied solely on the basis that he joined New Parwa branch w.e.f. 1-1-96 i.e. a fortnight after Abdul Kareem. This approach seems to be erroneous depriving the workman of his entitlement to special Collector attracting special allowance.

8. Accordingly, the workman was senior most member of the subordinate staff and was entitled to the post of Bill Collector attracting special allowance.

9. Award as above.

RUDRESH KUMAR, Presiding Officer

Lucknow

3-5-2002

नई दिल्ली, 15 मई, 2002

का. अ. 1828.—ग्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडिकेट बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कार्यकारों के बीच, अनुबंध में निर्विष्ट ग्रौद्योगिक विवाद में ग्रौद्योगिक अधिकारण पूर्णे के पंचाट (संदर्भ संख्या 1/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-2002 को प्राप्त हुआ था।

[सं. एल-12012/184/98-ग्राइ आर (बी-II)]

सी. गंगाधरण, अवर अधिक

New Delhi, the 15th May, 2002

S.O. 1828.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/99) of the Industrial Tribunal, Pune as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 14-5-2002.

[No. L-12012/184/98-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SHRI VIDYASAGAR, L. KAMBLE, INDUSTRIAL TRIBUNAL, MAHARASHTRA AT PUNE

REFERENCE (IT) No. 1 OF 1999

ADJUDICATION

BETWEEN

Syndicate Bank

AND

Its workman

In the matter of dismissal of Shri S. K. Humanabadkar.

APPEARANCES :

Shri J. D. Kasbekar for the First Party.

Shri Apul Dikshit for the Second Party.

AWARD

(Date : 16-4-2002)

In exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947, the Central Government by its order dated 9th March, 1999 referred the dispute between Syndicate Bank and its employee for adjudication in respect of the matter specified in the Schedule annexed to the order of reference. The demand reads as under :

"Whether the action of the employer of Syndicate Bank is justified in dismissing the services of Shri S.K. Humanabadkar, Clerk/Cashier, Solapur Main Branch w.e.f. 21-5-1996 ? If not, what relief the workman is entitled?"

2. After the receipt of this reference, statutory notices were issued to the concerned parties. In response to the said notices, statement of claim is filed by the concerned employee Shri S. K. Humanabadkar on 2-7-1999 which is at Ex. U-4 and thereafter, written statement is filed by the first party employer on 23-9-1999 which is at Ex. C-4.

3. In the statement of claim, it is stated by the second party workman that he joined the services of the first party employer as a clerk from 9-7-1981 and was getting wages of Rs. 600 p.m. Initially, he was working in Sakharpeth Branch of the first party bank and from 20-7-1989 he was posted at Mangalwar Peth Branch, Solapur and he was allotted the work of cashier. Though he was directed to carry out the work of cashier, but no specific training for this work was given to him. However, allowance of Rs. 200 p.m. is given to the person working on this post. While working as cashier, he had the ultimate responsibility of the said post, because he was required to accept bills pertaining to the Maharashtra State Electricity Board. While performing the work of cashier on 13-3-1995, he found that there is some difference in the calculation of cash. In the said month, the statement of cash was not scrolled. However, on the pressure of one Shri Razak, Shri Ismail Akbar Shaikh and Shri S. K. Nadaf had made some frivolous complaints against the second party workman. Therefore, the first party bank had called for his explanation by its letter dated 10-4-1995. Since the first party bank was not satisfied with his reply, frivolous and false allegations were made against him by charge-sheet dated 16-6-1995. The second party workman replied this charge-sheet and stated that he is not responsible for anything as alleged in the charge-sheet. In view of this charge-sheet, departmental enquiry was initiated by the bank by appointing Shri Shetty, Personnel Manager, I.R. Cell, Zonal Office, Mumbai as Enquiry Officer, who has conducted no enquiry but made a farce of departmental enquiry. On the first day of departmental enquiry, the Enquiry Officer assured the second party workman about no action and asked the workman to plead guilty. On bonafide faith, he pleaded guilty. Replying upon that statement, the Enquiry Officer submitted his report without conducting any further enquiry, without recording any evidence, without proving documents produced during the course of enquiry and held that all the charges levelled against him are proved. Based upon this report of the Enquiry Officer, the services of the second party workman was terminated by the first party employer by order dated 21-5-1996. It is the contention of the second party workman that there is no enquiry conducted by the first party employer in pursuance of the charge-sheet dated 16-6-1995 and opportunity in accordance with the principles of natural justice to defend the charges levelled against him is not given to him. Farce is made about the departmental enquiry, but there is no enquiry at all. The Enquiry Officer relied upon the documents which are not proved at all and recorded perverse findings. Based upon these perverse findings, the employer has dismissed the second party workman from services. Therefore, it is the contention of the second party workman that the action of dismissal taken by the first party employer against the second party workman is illegal, improper and hence requires to be quashed and set aside and the first party employer be directed to reinstate the workman with continuity of service and back-wages.

4. The first party employer opposed the demand of the second party workman by filing its written statement at Ex. C-4. In nutshell, it is the contention of the first party bank that the second party workman joined the services in the year 1981 and was on the roll of Solapur Main Branch as clerk

during the period between 20-7-1989 and 21-5-1996. While he was functioning as receipt cashier in Solapur Main Branch of the bank on 13-3-1995, one of the customer tendered a sum of Rs. 12,622 towards 3 bills of Maharashtra State Electricity Board. Shri Humanabaddkar, as cashier of the Branch issued receipts to the customer in respect of the above amounts under his signatures to make the customer believe that the amount tendered is accounted in the books of the bank, but Shri Humanabaddkar did not account that amount in the books of the bank and also did not declare at the end of the day about any excess of cash. Shri Humanabaddkar credited the amount of Rs. 12,622 on 24-3-1995 which he had received as a cashier on 13-3-1995 to the books of accounts of the branch. Thus, he had temporarily misutilised the amount of the bank/customer. This misappropriation of the bank/customer money came to light in view of the complaint made by the customer on 8-4-1995. Subsequently, on 24-3-1995, two other customers remitted Rs. 2,451 and Rs. 1,275 in the bank towards M.S.E.B. Bills. The second party workman had received the said amount and issued acknowledgement/receipt to them, without accounting the said amount in the books of accounts of the bank. The branch came to know about this non-accounting when the customers lodged a complaint on 21-4-1995 because they received subsequent MSEB bills stating the above amounts as arrears. Since the above circumstances indicated that he had misappropriated the money belonging to the bank/customer, a letter dated 9-5-1995 was issued to him calling for his explanation. In response to the said letter, the second party workman addressed a letter dated 6-6-1995 to the bank admitting that he utilised the cash received in the above said transactions for his personal use. Further, he submitted a list along with this letter, giving details of 44 consumer bills issued by MSEB for which the customers had credited the amount to the bank on various dates, which were received by him as cashier of the bank and receipts were issued but not accounted in the books of account of the bank. Thus, in all, the second party workman misappropriated the amount of about Rs. 39,905 belonging to the bank/customers.

5. In view of the acts of commission and omission which amounted to gross misconduct on the part of the workman, he was kept under suspension and departmental action was simultaneously initiated as per the provisions enumerated in Bipartite Settlement. The departmental enquiry was held as per the provisions of the said settlement and also in consonance with the principles of natural justice. The workman has admitted his guilt in unequivocal terms before the Enquiry Officer. The Enquiry Officer held him guilty of the charges levelled against him. The Disciplinary Authority concurred with the findings of the Enquiry Officer and considering the gravity of misconduct committed by the workman, the punishment of dismissal was imposed. The appeal preferred by the workman against the order of the Disciplinary Authority was dismissed by the Appellate Authority. It is the contention of the first party employer that during the course of enquiry, principles of natural justice are totally followed, reasonable opportunity is given to the workman. Since before the Enquiry Officer, the workman has pleaded guilty, no further evidence is required for proving the charges levelled against him. Since the charges are proved conclusively, the workman was dismissed from the services of the bank. Therefore, the action taken by the first party employer, based upon the report of the Enquiry Officer, is legal, proper and the punishment of dismissal is also commensurate with the misconduct committed by the workman. It is however prayed that if the Tribunal declares that the domestic enquiry is not proper, valid and legal, then, an opportunity may be given to the first party employer to lead evidence to prove the misconduct afresh. With this, it is prayed that the demand made by the second party workman may be rejected.

6. To overcome with the controversy between the parties, issues are framed for determination at Ex. O-4 as under :

1. Whether departmental enquiry conducted by first party employer in pursuance of charge-sheet dated 16-6-1995 is fair, proper and legal ?
2. Whether it is proved by the first party that the second party workman has committed serious misconduct ?
3. Whether punishment awarded by the first party to second party workman is proportionate ?
4. Whether second party is entitled for reinstatement with continuity of service and back-wage: w.e.f. 21-5-1996 ?

5. What order ?

7. It is to be noted that Issue No. 1 is tried as a preliminary point on the request of both the parties and by order dated 22-1-2001, Issue No. 1 is answered in the negative, by holding that the departmental enquiry conducted by the first party employer in pursuance of charge-sheet dated 16-6-1995 is illegal, improper and bad in law. However, as the first party employer in its written statement had prayed that if this Tribunal declares that the enquiry is illegal, improper and bad in law, then an opportunity be given to the employer to prove the misconduct independently and afresh before this Tribunal. In view of this, liberty is given by the Tribunal to the first party employer. On 17-9-2001 the first party bank placed on record bunch of documents along with list of documents at Ex. C-22. Some of the documents are not admitted by the second party workman because those are zerox copies and some of the documents are admitted which are exhibited. Since an opportunity was given to the first party employer to prove the misconduct afresh before this Tribunal, Shri Abdul Razak, Ex. CW-1 is examined by the first party employer as its key witness. In rebuttal, the second party workman entered into the witness box, whose deposition is recorded at Ex. UW-1.

8. With the help of this oral and documentary evidence available on record, heard Shri J. D. Kasbekar, learned Advocate for the first party employer and Shri Atul Dikshit, Learned Advocate for the second party workman at length.

9. In view of this, now it is to be seen whether the misconduct alleged against the second party workman in pursuance of charge-sheet dated 16-6-1995 is proved by the first party bank before this Tribunal. It will be proper to make us aware about the charge-sheet and the alleged misconduct on the part of the second party workman. The charge-sheet cum-suspension order dated 16-6-1995 reads as under :

"It is alleged against you :--

That, while functioning as a clerk at our Sholapur Main branch, you were functioning as a cashier during March, 1995. While functioning in your position as such, you misappropriated the cash aggregating to Rs. 39,905 tendered by various parties towards payment of electricity bills of MSEB. You also availed loans from M/s. Sholapur Jilla Mahila Sahakari Bank Ltd. and Sholapur Jilla Sahakari Bank Ltd., without permission of competent authority and had issued cheque without maintaining balance and thus conducted in a manner prejudicial to the interest of the Bank.

Following circumstances appear against you in respect of the above.

That, you joined the Bank as clerk on 9-7-1981 and functioning at our Sholapur Main Branch since 20-7-1989.

That, while functioning in your position as above, you were functioning as receipt cashier for MSEB collections at the branch during March, 1995.

That, Shri Ismail Akbar Shaikh, Bhawanipeth, Sholapur tendered a sum of Rs. 12,622 on 13-3-1995 towards three MSEB Bills, No. 340216 for Rs. 6,726, 129205 for Rs. 4412 and 183293 for Rs. 1484. Though, you issued receipt bearing your signature in token of receipt of the money and to make believe the customer that the amount tendered by him is accounted, you neither accounted the cash in branch books nor declared excess cash on the day. Thereafter, for the reason best known to you, you accounted the amount only on 24-3-1995. The fact of non-accounting came to light only when the customer made a complaint by his letter dated 8-4-1995. Though, the branch advised you to tender your explanation, within 7 days by letter bearing No. 264 : 110 : 5430 : STF : 95 : F : 29 dated 19-4-1995, you failed to comply with the instructions.

That, further M/s. K. B. Enterprises and Anil Waste Cotton Clearing Factory tendered on 14-3-1995 Rs. 2451 towards MSEB Bill No. 330240563240 and Rs. 1275 towards MSEB bill No. 330240593335. You neither accounted the money on 14-3-1995 nor thereafter in branch books. The branch came to know of the non-accounting when the customer

made a complaint on 21-4-1995, since they received the subsequent bills showing the above amounts as arrears."

The aforesaid act on the part of the second party workman is termed as misconduct under Clause 19.5(j) of Bipartite Settlement, 1966 which amounts to gross misconduct of doing an act prejudicial to the interest of the Bank. This charge-sheet is replied by the second party workman on 6-7-1995. In this reply to the charge-sheet, the second party workman has admitted everything. However, before issuing charge-sheet, a letter dated 9-5-1995 was issued to the second party workman by the bank calling for his explanation. In reply to the said letter, the second party workman addressed a letter dated 6-6-1995 to the bank in which he has admitted everything alleged against him. He has further given reason for committing such type of misconduct and the circumstances in which he was compelled to do the same. In short, he has stated in his reply dated 6-6-1995 with these words :

"I beg to put to your kind consideration, Sir, that while building house the funds available to me by way of Housing Loan, NRW were fully exhausted and certain payments in respect of excess increased cost were not paid and I assumed that I will pay the entire amount immediately on receipt of arrears of our Bipartite Settlement thinking that it will be disbursed immediately.

Unfortunately the arrears process took long time and in the mean time the supplier/contractor started threatening me on 13-3-95 they came to Bank and threatened like anything. Due to fear I paid them some amount available with me and balance amount out of cash receipt when I was working in Cash Departments. I did this thinking that in the afternoon on the same day, I will put back the cash. I utilised cash receipt unfortunately I could not make good the amount on the same day.

Hence I did not enter the bill amount of MSEB in the MSEB's scroll and utilised the money. This type of events took place for couple of days.

The total amount involved as per your letter comes to Rs. 12,622 was paid by me and credited in the Bank on 24-3-1995."

In spite of this clear-cut admission given by the second party workman, the first party decided to lead oral evidence, examined its Officer who has stated in his deposition that at the relevant time, he was working as Branch Manager. He has narrated in his deposition, the duties allotted to the second party workman. Further, in para. 2 this witness has stated that the bank received complaint on 8-4-1995 from one Shri Ismail Akbar Shaikh in which it was alleged that he had paid amount of Rs. 12,622 towards 3 MSEB Bills, but the same is not credited to the MSEB. Therefore, this amount is shown as arrears in his next bill. The original complaint is on record which is at page 1 of Ex C-22, along with counter foils of MSEB Bills and zerox copies of consumer copy of these MSEB Bills. These documents are admitted by the second party workman also. These documents bear the rubber stamp of the first party bank. The documents at pages 8, 9 and 10 of Ex. C-22 bear the date as 13-3-1995 and rubber stamp of receipt. Thus, from these documents, it is crystal clear that the second party workman has accepted Rs. 12,622 from Shri Ismail Akbar Shaikh, but the same is not shown in the scroll of the bank, nor it is credited to the MSEB Dept. Shri Abdul Razak, Ex. CW-1 further in his deposition narrated another incident which pertains to K. B. Enterprises and Anil Waste Cotton Clearing Factory from whom the second party workman had accepted Rs. 3726 towards MSEB Bills on 14-3-1995, but the said amount is not credited by the second party workman either in the first party bank or MSEB. The documents at pages 35 and 36 of Ex. C-22 are the original MSEB Bills which bear the signatures of the second party workman, rubber stamp of the first party bank and receipt dated 14-3-1995. Thus, it is crystal clear that though the second party workman has accepted the amount of Rs. 3,726 from the consumers towards MSEB bills on 14-3-1995 he has not credited this amount either in the account of the first party bank or to MSEB. He utilised the said amount for his own business. This fact is admitted by the second party workman in his oral evidence during cross-examination. In para 6, he admits with these words :

"After seeing the documents 5, 6 and 7, I say that I had received the payments from the customers for MSEB Bills. As a token of acknowledgement, I have signed these documents and put the rubber stamp of the Bank. The document at page No. 8, 9 and 10 is counter foil of the documents pages Nos. 5, 6 and 7 known as the consumers copy. These documents bear my signatures along with the date and the Bank's rubber stamp."

Further, on page 5, he has admitted with these words :

"Now, I am shown the document at page No. 35 and 36 of Ex. C-22. These are the MSEB Bills of M/s. K. B. Enterprises and Anil Waste Cotton Mills. It is correct to say that I have received the amounts of these bills from the concerned consumers on 14-3-1995."

10. In view of the aforesaid facts, it establishes beyond doubt that the second party workman had accepted Rs. 12,622 from Shri Ismail Akbar Shaikh, Rs. 3726 from K. B. Enterprises and Anil Waste Cotton Clearing Factory on 13-3-1995 and 14-3-1995, but he has not credited the said amount either in the first party bank or to MSEB, but he has utilised this amount for his own business. This fact is also established from the admission given by the second party workman in his reply dated 6-6-1995. However, during the trial, he has denied everything. Hence, heavy burden is upon the second party workman to prove whether he had deposited these amounts in the first party bank or to the MSEB on the same day on which he received from the consumers. Though he has denied this allegation, but to support his defence, no documents or any cogent evidence is brought on record to that effect. On the contrary, during the cross-examination on page 5, he has admitted this fact with these words :

"I have not filed any document particularly credit note with the statement to show that I had credited the amounts to the Bank on 14-3-1995 after receiving from the concerned consumers against MSEB Bills referred above."

Thus, the second party workman has failed to discharge the burden which was upon him to establish that he has not misappropriated the amount received from the consumers towards MSEB Bills. But it is crystal clear that though he has accepted the amount from the consumers on 13-3-1995 and 14-3-1995, but till 24-3-1995 he has not credited this amount either in the first party bank or to MSEB. Thus he has misappropriated this amount, may be for short period. In view of this documentary evidence and supporting oral evidence led by the first party employer, it is crystal clear that the second party workman has committed misconduct under Clause 19.5(j) of the Bipartite Settlement, 1966 which is a very serious and gross misconduct, naturally which is an act prejudicial to the interest of the bank.

11. As far as another allegation of misconduct regarding loan from Sholapur Janata Sahakari Bank Ltd. and Sholapur Zilla Mahila Sahakari Bank Ltd. is concerned, it is an admitted fact that the second party workman has obtained loan from these banks, but the first party employer has not brought on record any rule that before obtaining any loan from outside banks or co-operative societies, prior permission is required to be obtained from the first party bank. In absence of such rules, it cannot be said that the second party workman has committed any misconduct. Hence, as far as loan obtained by the second party workman from these two banks, it cannot be said that it is a misconduct on his part under any of the clauses of the Bipartite Settlement, 1966. Hence, I hold that the second party workman has committed misconduct under Clause 19.5(j) of Bipartite Settlement, 1966 and thereby misappropriated the amount of Rs. 12,622 and Rs. 3,726. With this, Issue No. 2 is answered partly in the affirmative.

12. Issue No. 3 : In the aforesaid premises, let us see whether the punishment awarded by the first party bank for the proved misconduct is proportionate. Obviously, the misconduct is very serious. It is the submission of Shri Atul Dikshit, learned Advocate for the second party workman that, for the sake of argument, if it is accepted that the workman has accepted the amount from the consumers and not credited the same either in the first party bank or to MSEB on the same day, but ultimately he has deposited the entire

amount on 24-3-1995 which is within 10 to 11 days and that is because of shortage of cash, during the daily transaction. Shortage of cash in daily transaction is a routine matter, and the concerned person is required to recoup the shortages with the permission of the Bank Manager concerned. Here, in the present matter also, it is the submission of Shri Atul Dikshit, learned Advocate for the second party workman that because of shortage in cash in daily transaction, the second party workman was not in a position to credit the entire amount, but he has recouped the entire losses or shortage on 24-3-1995. Therefore, such shortest period of not making payment cannot be termed as gross misconduct and for such misconduct which may be said as minor irregularity in the work, punishment of dismissal is certainly disproportionate. To support this contention, Shri Dikshit, learned Advocate invited my attention to the case law reported in 1993 I.L.L.J. p. 390 in the case between Allahabad Bank and Pronab Kumar Mukherjee and others. The head note reads thus :

"The respondent herein was an officer in charge of the Extension Counter of the Calcutta Main Branch of Allahabad Bank. When a surprise check was made, a shortfall of Rs. 40,000 was found and the respondent accepted "moral obligation" to make good the shortage. Subsequently, treating this as an admission of guilt, he was removed from office. He challenged the order before the High Court. A stay of removal was granted and by virtue of the same, he continued in office and on attaining the age of superannuation he was allowed to retire. The learned single judge set aside the order of removal holding there was no admission of guilt on the part of the respondent and further held since the Bank allowed him to retire, there was condonation."

Further, it is observed in the said reported case that :

"Temporary misappropriation was not a charge against the respondent, yet the respondent was fastened with a charge that did not find a place in the charge-sheet. It is clear that the disciplinary authority has not at all applied its mind and passed the order of removal mechanically on totally extraneous and irrelevant grounds."

13. As against this, Shri Kasbekar learned Advocate for the first party employer submitted that the act on the part of the second party workman cannot be said as minor or irregularity in the work, but he has done this act fully knowing the consequences. From his admission in the reply dated 6-6-1995, his intention is disclosed for not crediting the amount either to the bank or to M.S.E.B. From his admission itself, it is crystal clear that he has used this amount for his own business. Therefore, this act on the part of the second party workman is nothing but a serious misconduct because he has misappropriated the amount received by him from the customers. Hence, the misconduct committed by the second party workman is serious and grave in nature and punishment for such misconduct is dismissal only. To support this contention, Shri Kasbekar, learned Advocate for the first party bank invited my attention to the case law reported in 1998 I.L.L.J. p. 1217, S.C. in the case between Union Bank of India and Vishwa Mohan. Shri Kasbekar, particularly invited my attention to the observation made by the Hon'ble Apex Court in the case (supra) which reads with these words :

"It needs to be emphasised that in the banking business absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee and in particular the bank officer. If this is not observed, the confidence of the public/depositors would be impaired. It is for this reason, we are of the opinion that the High Court had committed an error while setting aside the order of dismissal of the respondent on the ground of prejudice on account of non furnishing of the inquiry report/findings to him."

14. Further, Shri Kasbekar, learned Advocate for the first party employer invited my attention to one of the case law reported in 1997 II.C.L.R. 132 in the case of Bishan Dass v/s. Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak & Anr. The Division Bench of Punjab & Haryana High Court observed on the quantum of punishment in case of embezzlement of amount by the hands of employee with these words :

"Punishment—Of dismissal—For embezzlement of sum of Rs. 47,000 approximately—Petitioner depositing embezzled amount during enquiry only when show cause notice proposing punishment of dismissal from service was issued—This is not mitigating circumstance—Punishment of dismissal not disproportionate to charges and conduct of petitioner."

In view of this principle laid down by the Hon'ble Apex Court and the High Court and the fact that the second party workman has committed serious misconduct such as misappropriation of amount of the bank, may be for temporary period, which is proved by the first party employer by leading oral and documentary evidence before this Tribunal, I have no other alternative, but to accept that the punishment of dismissal awarded by the first party bank is proportionate. With this, Issue No. 3 is answered in the affirmative.

15. In the aforesaid premises, the second party workman is not entitled for reinstatement with continuity of service and backwages. Hence, his reference is answered in the negative, and I pass the following order :

ORDER

1. Reference stands rejected.
2. The demand of the second party workman for reinstatement with continuity of service and backwages stands rejected.
3. In the circumstances, no order as to costs.

VIDYASAGAR KAMBLE, Industrial Tribunal

Dated : 16-4-2002.

नई दिल्ली, 6 मई, 2002

का.प्रा. 1829.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक. सी. प्रा.इ. प्रबंधसंक्र के सबूत नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकारण, लखनऊ के पंचाट (संदर्भ संख्या 99/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3/05/2002 को प्राप्त हुआ था।

[स. नं. 22012/313/2000-IR(सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 6th May, 2002

S.O. 1829.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 99/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 3-5-2002.

[No. L-22012/313/2000-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer.

I.D. No. 99/2001

Reference No. L-22012/313/2000-IR(C-II)

Dated 22-6-2001

BETWEEN

Bhartiya Khadya Nigam Mazdoor Sangh,
Satyam Guest House,
84/232, Katra Makboul Gani,
Latoosh Road,
Lucknow.

AND

The Sr. Regional Manager,
Food Corporation of India,
29, B. N. Road,
Lucknow.

AWARD

By order No. L-22012/313/2000-IR(C-II) dated: 22-6-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Bhartiya Khadya Nigam Mazdoor Sangh, Lucknow and The Sr. Regional Manager, Food Corporation of India, Lucknow for adjudication. The reference order was incomplete. The names of 180 members of Bhartiya Khadya Nigam Mazdoor Sangh, Lucknow was not appended. A modified reference order was received from the Ministry on 15-1-2002.

The reference under adjudication is as under :

"Whether the action of the Management of Bhartiya Khadya Nigam, Lucknow is not regularizing the services of 180 members of Bhartiya Khadya Nigam Mazdoor Sangh as, in annexure w.e.f. the year of initial appointment, is legal and justified? If not, to what relief the workmen are entitled to?"

2. From perusal of the record it appears that the case was registered on 3-7-2001 and registered notices were sent to the parties. On 8-8-2001 the management was present but none appeared for the workmen. On 6-9-2001 also the workmen was not present. Notice was again issued on 10-8-2001 to appear on the next date i.e. 6-9-2001. On 6-9-2001 the case was closed. On 20-11-2001 one Jagannath filed an application to recall the order dated 6-9-2001 and reopen the case. Though the capacity of Jagannath in the representative union was not given but Tribunal entertained this application and granted adjournment. On 15-1-2002, a modified reference was received from the Ministry and registered notice was issued on 16-1-2002, directing the workmen to file claim statement. For the last 7 months they failed to file their version.

3. On 20-3-2002 one Mr. Sirajuddin appeared, but he did not file claim statement. He was given time fixing 26-3-2002. On 26-3-2002 also the authorised representative of the workmen, Mr. Sirajuddin did not appear but an application was filed by one Mr. Vijay Singh, which was entertained. Mr. Vijay Singh did not file any authorisation letter from the Union. Again on 8-4-2002 the authorised representative of the workmen did not appear and unauthorised Mr. Vijay Singh filed adjournment, which in the interest of justice allowed fixing 24-4-2001 for filing claim statement. Claim statement is not filed today. An adjournment application is sent through some one. The authorised representative or any other functionary of the Union did not appear. The grounds taken in the application do not justify adjournment and so, the application is rejected.

4. Almost 9 months time is wasted, but the workmen failed to file their claim statement. So, appears no justification to keep the case pending, especially, when the authorised representative of the Union does not appear on fixed dates.

5. Accordingly, 'no claim award.' The case be closed.

RUDRESH KUMAR, Presiding Officer

Lucknow:
24-4-2002

नई दिल्ली, 6 मई, 2002

का.आ.1830.—श्रीघोषिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.सी.एल. के प्रबंधतंत्र के संबंध नियोजकों प्रौर

उनके कर्मकारों के बीच, ग्रन्थबंध में निविष्ट श्रीघोषिक विवाद में केन्द्रीय सरकार श्रीघोषिक अधिकरण/ श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-5-2002 को प्राप्त हुआ था।

[सं. प्रैष्ठ-22025/1/2002-श्राविकार (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 6th May, 2002

S.O. 1830.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 3-5-2002.

[No. L-22025/1/2002-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.I.,
Chairman-cum-Presiding Officer.

Wednesday, the 17th day of April, 2002

Industrial Dispute No. 14 of 2002.

BETWEEN

Gosika Venkata Swamy,
S/o Lingaiah,
Aged about 34 years,
Occ : Ex. SCCL Employee,
R/o Near H. No. 355,
I Zone,
Kalyankhani Post,
Dist. Adilabad.

Petitioner

AND

The General Manager,
S.C. Co. Ltd.,
Mandamarri Division,
District Adilabad.

Respondent

This petition coming before me for final hearing in the presence of Sri Ganta Narayana, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner's father by name Gosika Lingaiah was declared medically unfit on 20-7-91. He was retired from the service and the petitioner was appointed as Padli worker on 16-6-92. On 7-8-93, charge-sheet was issued against the petitioner alleging that he secured employment fraudulently as the unfit certificate produced by his father was fake. Domestic enquiry was conducted and he was removed from the service with effect from 7-7-1999.

2. Respondent filed counter stating that the father of the petitioner by name Gosika Lingaiah adopted illegal methods and obtained fake unfit medical certificate and on that basis, the petitioner could secure employment as dependent son.

3. Ex. M-1 to Ex. M-8 are marked.

4. Heard both sides.

5. The point for consideration is whether the petitioner is entitled to be reinstated into service?

6. Ex. M-1 is charge-sheet dt. 7-8-93. It was alleged that the petitioner secured employment in the company as dependent in a fraudulent manner in connivance with Sri Gosika Lingaiah by producing a fake certificate of medical unfitness.

Ex. M-2 is reply to chargesheet. The petitioner stated that the charge framed is not connected to him because he has not committed theft, fraud or dishonesty.

7. Ex. M-3 is enquiry proceedings.

B. I. Vijay Kumar was appointed as presenting officer. His statement was recorded. He stated that the petitioner secured employment in the company on the ground that he was the dependent son of Gosika Lingaiah. The internal audit personnel of Singareni Collieries Company Limited checked the medical unfit letters of Area Hospital, Ramakrishnapur and found that the medical unfit letter in respect of Gosika Lingaiah was not issued by the Area Hospital, Ramakrishnapur. It was also found that it was a fake document and fabricated for the purpose of securing employment. On verification, it was found that the signatures of the Medical Superintendent and Medical Officer were forged. Gosika Lingaiah was boarded out of the service of the company on the basis of the above fake document.

8. The statement of the petitioner was recorded. He stated that he got employment as dependent of his father who was declared unfit while in service. He further stated that he does not know the correctness and genuineness of the documents produced by his father.

9. Ex. M-8 is the order dt. 2-7-99 removing the petitioner from the service w.e.f. 7-7-1999.

The charge-sheet was issued on 7-8-93. The petitioner was appointed in the year 1992. Enquiry was conducted in the year, 1996. Enquiry report was submitted in the year, 1997. The petitioner was removed from the service in the year 1999.

10. The father of the petitioner was retired on medical grounds. The charge is that he produced fake medical unfit certificate, got his retirement from the service and secured employment to the petitioner as his dependent son.

11. The statement of the presenting officer is not evidence. The presenting officer was appointed to conduct the case on behalf of the company, but not to give evidence.

Nobody was examined to prove that the medical unfit certificate produced by Gosika Lingaiah was fake one. The doctors whose signatures were forged were not examined. The correspondence between the doctors and company is not evidence.

12. The petitioner was appointed in the year, 1992 on the basis of dependency of a retired employee. Whether it was fake or genuine certificate, the employee was retired from the service. It shows that the certificate was given effect. After that, his dependent was given employment. He worked for more than seven years. He should not have been removed from the service simply because there is allegation that the retired employee submitted fake unfit certificate. The petitioner has nothing to do with the certificate produced by his father. The certificate is not proved to be fake certificate. The statement of the presenting officer with respect to the certificate is not legal evidence.

13. I, therefore, consider that the petitioner has nothing to do with the certificate produced by his father who was retired on medical grounds. The charge that the certificate produced by his father was fake one is not proved by legal evidence. The petitioner ought not to have been removed from the service. He is entitled to be reinstated into service.

Hence, I answer the point accordingly.

In the result, this petition is allowed. The petitioner shall be reinstated into service with back-wages and continuity of service. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, the 17th day of April, 2002.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses-examined

For workman :

—Nil—

For Management :

—Nil—

Exhibits

For workman :

—Nil—

For Management :

Ex. M-1 dt. 7/13-8-93 Office copy of charge-sheet.

Ex. M-2 dt. 17-8-93 Explanation to charge sheet.

Ex. M-3 dt. 17-9-96 Enquiry proceedings.

Ex. M-4 dt. 12-6-97 Enquiry report.

Ex. M-5 dt. 24-6-97 Office copy of 2nd show-cause notice No. P/MM/7/2/97/1723.

Ex. M-6 dt. — Acknowledgement of petitioner.

Ex. M-7 dt. 5-7-97 Reply of petitioner for 2nd show-cause notice seeking further time.

Ex. M-8 dt. 2-7-99 Copy of removal order Lt. No. P/MM/7/2/99/2294.

नई दिल्ली, 14 मई, 2002

का.आ. 183।—ग्रोवोरिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के मुत्तरण में, केन्द्रीय सरकार एफ.सी.आर. के प्रबंधित केन्द्रीय विवादों की विधि कर्मकारों के द्वारा, भारतवर्ष में नियिट ग्रोवोरिक विवाद में केन्द्रीय सरकार ग्रोवोरिक ग्रांड पंचाट (सदैमें संख्या 84/90) द्वारा प्रकाशित करती है, जो केन्द्रीय सरकार को 13/05/2002 की तारीख हुआ था।

[सं. पं. 22012/34/एफ/90—ग्रांड पंचाट (सी. 11)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th May, 2002

S.O. 183।—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 84/90) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 13-5-2002.

[No. L-22012/34/F/90-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. ID 84/90

Sh. Darshan Singh,
C/o General Secretary,
F.C.I. Class IV Emp. Union,
Nabha Gate, Sangrur (Pb.) .. Applicant.

Vs.

The Distt. Manager,
Food Corporation of India.
Ludhiana. .. Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Shri Ravi Kant Sharma.

AWARD

Dated 1st May, 2002

The Central Govt. Ministry of Labour vide Notification No. L-22012(34)F/90-IR (C-II) dated July, 1990 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of F.C.I. in terminating the services of Shri Darshan Singh, Safaiwala at Food Stores Dept. at Khanna w.e.f. 31-7-87 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?”

2. None has been put up appearance on behalf of the workman. It appears that workman is not interested to pursue his reference. In view of the above the present reference is returned as dismissed in default. Central Govt. be informed.

Chandigarh.

Dated : 1-5-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 14 मई, 2002

का.आ. 183 2.—प्रौद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के प्रमुखरूप में, केन्द्रीय

महाकार ई.सी.एल. प्रबंधतांत्रके संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट अधिकारियों-विवाद में, केन्द्रीय सरकार प्रौद्योगिक अधिकारण असनसोल पंचाट (संदर्भ संख्या 14/1999) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-05-2002 के प्राप्त हुए थे।

[ल. एल-22012/78/98-प्राइवेट (सी-II)]

एन. पी. केशवन, डैस्क, अधिकारी

New Delhi, the 14th May, 2002

S.O. 1832.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/1999) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 13-5-2002.

[No. L-22012/78/98-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT :

Shri Ramjee Pandey, Presiding Officer.

REFERENCE NUMBER 14 of 1999

PARTIES :

Dhankarpur Colliery of
M/s. ECL .. Management.
Vts.

Sh. Ramashankar Yadav, .. Workman

APPEARANCES :

For the management—Shri P.K. Das, Advocate.

For the Workman (Union)—Shri S.K. Pandey, Chief Secretary Koyla Mazdoor Congress.

INDUSTRY : Coal.

State : West Bengal

Date : 18-4-2002.

AWARD

In exercise of powers conferred by the clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947, Govt. of India through the Ministry of Labour vide its order No. L-22012/78/98-IR(CM-II) dated 22-1-1999 has referred the following dispute for adjudication by this Tribunal.

“Whether the action of the management of Shankarpur Colliery of M/s. ECL is not regularising Shri Ramashankar Yadav w.e.f. 12-4-91 as Secretary Havildar is legal and justified? If not, to what relief is the workman entitled?”

After receiving the reference notices were sent to the parties by registered post and both the parties appeared before the Tribunal. Although written statement was filed by the Union but management did not file any written statement. However, today both the parties appeared and filed a Memorandum of settlement from which it appears that the management has agreed to regularise the workman, e.g. Shri Ramashankar Yadav as Security Havildar from 1-1-2000 and he will be given notional seniority from 1-1-1998. In view of

the fact that both the parties have settled the dispute the Award is passed in terms of settlement and memorandum of settlement will form the part of Award.

RAMJEE PANDEY, Presiding Officer

नई दिल्ली, 14 मई, 2002

का. आ. 1833.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकारण असन्तोषील पंचाट (संदर्भ संख्या 32/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-05-2002 को प्राप्त हुआ था।

[सं. एल-22012/329/99-आई आर (सी-II)]

एन. पी. केशवन, ईस्क अधिकारी

New Delhi, the 14th May, 2002

S.O. 1833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 13-5-2002.

[No. L-22012/329/99-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT :

Shri Ramjee Pandey, Presiding Officer

Reference Number 32 of 2000

PARTIES :

Bankola Colliery of M/s. E.C. Ltd.
... Management.

Vrs.

Sh. Md. Samim.

Workman.

APPEARANCES :

For the Management.—Shri P. K. Das,
Advocate.

For the Workman (Union).—Shri S. K. Pandey, Chief General Secretary.

INDUSTRY :
STATE :

Coal.
West Bengal.

Dated : 18-4-2002

AWARD

In exercise of powers conferred by the clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947, Govt. of India through the Ministry of Labour vide it's Order No. L-22012/329/99-IR(CM-II) dated 29-2-2000 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Bankola Colliery of M/s. E.C. Ltd. in not paying subsistence allowance for the period from 7-11-98 to 11-11-98 to Sh. Md. Samim. Pit Clerk is legal and justified ? If not, to what relief the workman is entitled to ?”

In response to the summons sent by this Tribunal both the parties appeared. The written statement was not filed by any of the parties. However, today both the parties appeared. Shri P. K. Das, Advocate appeared for the management and Shri S. K. Pandey, Chief General Secretary of the Union appeared for the workman and both of them filed a joint petition of settlement. According to statement made in the petition of settlement the management agreed to pay the subsistence allowances for the period from 7-11-98 to 11-11-98 to the workman e.g. Md. Samim. In view of the fact that the parties have settled the dispute the Award is passed in terms of settlement and the memorandum of settlement which has been duly signed by the representatives of both the parties, will form the part of the Award.

RAMJEE PANDEY, Presiding Officer
BEFORE THE PRESIDING OFFICER,
C.G.I.T. CUM L. C. SREEPALLY AT
ASANSOL

Ref. 32 of 2000

The Management of Bankola Colliery

AND
Their Workman

Both parties beg to state as follows :—

1. That the above case have been amicably settled between the parties and it has been agreed by the Management that they will pay the subsistence allowance to the concerned workman for 5 days and the dispute may kindly be settled as per the above terms.

Hence it is prayed that your Honour may be pleased to pass an award in terms of the above settlement.

And your petitioner shall ever pray.

Submitted by

Advocate

17-4-2002.

For Management

Gen. Secy. KHC

नई दिल्ली, 14 मई, 2002

का. आ. 1834.—श्रीद्वयिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी. बी. एम. बी. प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्वयिक विवाद में केन्द्रीय सरकार श्रीद्वयिक अधिकरण चौमीगढ़ पंचाट (संदर्भ संख्या 158/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-05-2002 को प्राप्त हुआ था।

[सं. एल-23012/1/97-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 14th May, 2002

S.O. 1834.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 158/98) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 13-5-2002.

[No. L-23012/1/97-IR (C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING
OFFICER, CENTRAL GOVT. INDUS-
TRIAL TRIBUNAL-CUM-LABOUR
COURT, CHANDIGARH

Case No. I.D. 158/98

General Secretary,

BSL Mad. Project Maz. Ekta Union,
Sundernagar.

Applicant.

Vs.

Sr. Design Engineer,
Water Regulation Divn. Sundernagar,
Director,
Water Regulation Sub-Divn. BBMB,
Nangal. . . Respondent.

REPRESENTATIVES :

For the Workman.—Shri Dhani Ram.

For the Management.—Shri R. C. Atri.

AWARD

(Passed on 1st May, 2002)

The Central Govt. Ministry of Labour vide Notification No. L-23012/1/97-IR (C-II) dated 30th July, 98 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of BBMB represented through the Director, Water Regulations circle, BBMB, Nangal Township and Sr. Design Engineer, Water regulation Divn. BBMB, Sundernagar (Mandi) in denying the benefit of stepping up basic pay of Sh. Bhog Singh Charge-man Spl. Gd. I from Rs. 1530 to Rs. 1640 to equalise his pay with his junior Sh. Satya Vir Singh, Charge-man Spl. Gd. I w.e.f. 1-1-88 and not removing anomaly is fair & just ? If not, to what relief the workman is entitled to and from which date ?”

2. In the claim statement the Union has pleaded that Bhog Singh was appointed on 22-7-76 in the post of chargeman misc. in the pay scale of Rs. 120-250 and he was promoted as chargeman special G.I. w.e.f. 1-10-1976 to 31-12-1977 in the scale of Rs. 160-400. w.e.f. 1-1-1978 the pay scale was revised to Rs. 510-940 of Chargeman Spl. G.I. Shri Satya Vir was appointed as chargeman special grade-I on 21-6-1977 in workcharge capacity in the pay scale of Rs. 160-400. Thus the petitioner is senior to that Shri Satya Vir as the applicant Bhog Singh was promoted w.e.f. 1-10-1976. It is contended that Bhog Singh has adopted the revised pay scale w.e.f. 1-1-1986. The pay of Shri Satya Vir was fixed at Rs. 1640 w.e.f. 1-1-1986 while that of Bhog Singh who was senior to the above named Satya Vir was fixed at Rs. 1530 w.e.f. 1-1-1988. It is requested that the pay of the workmen Shri Bhog Singh be fixed at par

with his junior Satya Vir w.e.f. 1-1-1988 and requested for payment of all arrears etc.

3. In the written statement the management has taken the plea that Bhog Singh was appointed on 22-7-1976 as chargeman misc. and promoted as chargeman special grade-I. But he has not been granted 1st time bound promotional scale as per the letter dated 26-6-1992 whereas his junior was directly appointed as chargeman special grade-I on 21-6-1977 as he has not got any promotion in his service period as such he has been granted 1st and 2nd time bound promotional scale w.e.f. 1-1-1988 and 21-6-1992 respectively as per letter dated 26-6-1992. Thus the workman Bhog Singh is not entitled to any pay protection and his reference be rejected.

4. In evidence, the General Secretary of the Union filed his own affidavit. He has also submitted documents Ex. W2 to W12. The management in rebuttal filed the affidavit of Gopal Balwani as Ex. M1 he also relied on documents Ex. M2 to Ex. M6.

5. I have heard the learned representatives of both the parties and have also gone through the evidence and record of the case. The main argument of the rep. of the management is that the workman is not entitled to the protection of pay as the said junior Shri Satya Vir was directly appointed as chargeman special grade-I whereas the applicant Bhog Singh was promoted from chargeman misc. to chargeman special grade-I and said Shri Bhog Singh had already availed one promotion so he is not entitled to 9/16 years 1st and 2nd promotion equivalent to that of Shri Satya Vir. Shri Satya Vir though junior to the workman but he was directly appointed and he was not given any promotion so he was entitled to 9/16 years promotion which he was given and his pay was fixed higher to that of Sri Bhog Singh. In my considered opinion, there is no merit in the arguments advanced by the rep. of the management. It is admitted case of the parties that said Shri Satya Vir is junior to that of Bhog Singh. It is general principle that the senior could not be paid less than that of his junior and the senior in such cases are entitled to protection of pay by stepping up his pay at the level of the junior. The rep. of the management referred the letter dated 1-6-1994 Ex. W6 in which it has been mentioned that no anomaly of pay would be claimed by any senior employee vis-a-vis another employee merely on the strength of letter getting his

placement into the time bound promotional revised promotional scale and anomaly of a senior employee directly recruited will be removed only with the directly recruited junior employee and not with the promotee employee on the same post cadre scale. In contrary to this the rep. of the workman referred me to the letter Ex. W9 dated 19-7-1994 issued by the Punjab State Electricity Board adopted by the BBMB which it has been mentioned that the earlier letter dated 1-6-1994 Ex. W6 has been amended and as per new instructions it has been decided that the pay of the senior employee would be fixed notionally from the date of arisen of anomaly. The pay of the senior employee will be stepped to the level of junior w.e.f. 1-5-1990 for the cases pertaining to the period prior to 1-5-1990 and thereafter from the date of occurrence of anomaly. The management has removed the anomaly of direct recruit and promotee by this letter. Thus in my considered opinion, the said Bhog Singh is entitled to the protection of pay in terms of this letter also.

6. The representative of the management also argued that the workman Bhog Singh has not appeared in evidence and he has not proved his case and Shri Ghani Ram filed his affidavit in evidence. Thus the workman is not entitled to any relief. This argument of the rep. of the management hold no merit as this is the case espoused by the Union and this is not the case of dismissal or termination. So I hold that the case of the union and reference is valid.

7. In view of the discussions made in the earlier paras, it is held that workman Bhog Singh is entitled to the pay protection at par with his junior Satya Vir w.e.f. 1-5-1990 and later on when it so occurred. The arrears if any be paid to the workman within one month from the date of publication of the Award. The reference is answered accordingly. Central Govt. be informed.

Chandigarh.

Dated 1-5-2002.

S. M. GOEL, Presiding Officer

नई विस्ती, 14 मई, 2002

का. आ. 1835.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के अनुसरण में केन्द्रीय सरकार बी. बी. एम. बी. प्रबन्धसंबंध के भेंटद नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट

श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण चण्डीगढ़ पंचाट (संदर्भ संख्या 157/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/05/2002 को प्राप्त हुआ था।

[सं. एल-23012/4/97-आई आर-(सी-II)]
एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 14th May, 2002

S.O. 1835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 157/98) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 13-5-2002.

[No. L-23012/4/97-IR(C-II)]
N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 157/98

General Secretary, BSL Project
Maedoor Ekta Union
Sundernagar Mandi. Applicant.

Versus

1. Director, Water Regulation Divn.
BBMB Nangal Township.
2. Sr. Design Engineer, Water Regulation
Divn. Sundernagar (Mandi). Respondents.

APPEARANCES :

For the workman : Shri Dhani Ram.

For the management : Shri R.C. Atri.

AWARD

(Passed on 1st of May 2002)

The Central Govt. vide notification No. L-23012/4/97-IR-CII dated 23/30th of July 1998 has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of BBMB rep. through the Director, Water Regulations Circle, BBMB Nangal Township and Sr. Engineer, Water Regulations Divn. BBMB, Sundernagar Distt. Mandi in denying the benefit of stopping up of basic pay of Shri Harbans Singh, Chargeman Spl. Gr. I from Rs. 1530 to 1640 to equalise his pay with his junior Shri Satyavir Singh Chargeman Spl. Grade I w.e.f. 1-1-1988 and not removing the anomaly is fair and just? If not, to what relief the workman is entitled and from which date?"

2. In the claim statement the Union has pleaded that Harbans Singh was appointed on 22-7-1976 in the post of chargeman misc. in the pay scale of Rs. 120—250 and he was promoted as chargeman special G. I w.e.f. 1-10-1976 to 31-12-1977 in the scale of Rs. 160—400 w.e.f. 1-1-1978 the pay scale was revised to Rs. 510—940 of Chargeman spl. G.I. Shri Satyavir was appointed as chargeman special grade-I on 21-6-1977 in workcharge capacity in the pay scale of Rs. 160—400. Thus the petitioner is senior to that Shri Satya Vir as the applicant Harbans Singh was promoted w.e.f.

1-10-1976. It is contended that Harbans Singh has adopted the revised pay scale w.e.f. 1-1-1986. The pay of Shri Satya Vir was fixed at Rs. 1640 w.e.f. 1-1-1986 while that of Harbans Singh who was senior to the above named Satya Vir was fixed at Rs. 1530 w.e.f. 1-1-1988. It is requested that the pay of the workman Shri Harbans Singh be fixed at par with his junior Satya Vir w.e.f. 1-1-1988, and requested for payment of all arrears etc.

3. In the written statement the management has taken the plea that Harbans Singh was appointed on 22-7-1976 as chargeman misc. and promoted as chargeman special grade-I. But he has not been granted 1st time bound promotional scale as per the letter dated 26-6-1992 whereas his junior was directly appointed as chargeman special grade-I on 21-6-1977, as he has not got any promotion in his service period as such he has been granted 1st and 2nd time bound promotional scale w.e.f. 1-1-1988 and 21-6-1992 respectively as per letter dated 26-6-1992. Thus the workman Harbans Singh is not entitled to any pay protection and his reference be rejected.

4. In evidence, the General Secretary of the Union filed his own affidavit. He has also submitted documents Ex. W2 to W12. The management in rebuttal filed the affidavit of Gopal Balwani as Ex. M1 he also relied on documents Ex. M2 to Ex. M6.

5. I have heard the learned representatives of both the parties and have also gone through the evidence and record of the case. The main arguments of the rep. of the management is that the workman is not entitled to the protection of pay as the said Junior Shri Satya Vir was directly appointed as chargeman special grade-I whereas the applicant Harbans Singh was promoted from chargeman misc. to chargeman special grade-I, and said Shri Harbans Singh had already availed one promotion so he is not entitled to 9/16 years 1st and 2nd promotion equivalent to that of Shri Satyavir, Shri Satya Vir though junior to the workman but he was directly appointed and he was not given any promotion so he was entitled to 9/16 years promotion which he was given and his pay was fixed higher to that of Shri Harbans Singh. In my considered opinion, there is no merit in the arguments advanced by the rep. of the management. It is admitted case of the parties that said Shri Satya Vir is junior to that of Harbans Singh. It is general principle that the senior could not be paid less than that of his junior and the senior in such cases are entitled to protection of pay by stepping up his pay at the level of the junior. The rep. of the management referred the letter dated 1-6-1994 Ex. W6 in which it has been mentioned that no anomaly of pay would be claimed by any senior employee vis-a-vis another employee merely on the strength of later getting his placement into the time bound promotional/devised promotional scale, and anomaly of a senior employee directly recruited will be removed only with the directly recruited junior employee and not with the promotee employee on the same post/cadre/scale. In contrary to this the rep. of the workman referred me to the letter Ex. W9 dated 19-7-1994 issued by the Punjab State Electricity Board adonted by the BBMB in which it has been mentioned that the earlier letter dated 1-6-1994 Ex. W6 has been amended and as per new instructions it has been decided that the pay of the senior employee would be fixed notionally from the date of arisen of anomaly. The pay of the senior employee will be stepped to the level of junior w.e.f. 1-5-1990 for the cases pertaining to the period prior to 1-5-1990 and thereafter from the date of occurrence of anomaly. The management has removed the anomaly of direct recruit and promotee by this letter. Thus in my considered opinion, the said Harbans Singh is entitled to the protection of pay in terms of this letter also.

6. The representative of the management also argued that the workman Harbans Singh has not appeared in evidence and he has not proved his case and Shri Dhani Ram filed his affidavit in evidence. Thus the workman is not entitled to any relief. This argument of the rep. of the management hold no merit as this is the case espoused by the Union and this is not the case of dismissal or termination. So I held that the case of the union and reference is valid.

7. In view of the discussions made in the earlier paras, it is held that workman Harbans Singh is entitled to the pay protection at par with his junior Satya Vir w.e.f. 1-5-1990 and later on when it so occurred. The arrears if any be paid to the workman within one month from the date of publication of the Award. The reference is answered accordingly. Central Govt. be informed.

Chandigarh.
1-5-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 14 मई, 2002

का. आ. 1836.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण चण्डीगढ़ के पंचाट (संदर्भ संख्या 159/98) की प्रकाशित करती है, जो केन्द्रीय सरकार को 13/05/2002 को प्राप्त हुआ था।

[सं. एल-23012/5/97-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 14th May, 2002

S.O. 1836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 159/98) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employer: in relation to the management of BBMB and their workman, which was received by the Central Government on 13-5-2002.

[No. L-23012/5/97-IR(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. ID 159/98

General Secretary, PSL Project
Maz, Ekta Union
S-2/773, BSL Colony,
Sundernagar (HP) ... Applicant.

Vs.

1. The Director,
Water Regulation Division,
BBMB, Nangal
Township (Ropar)
2. Sr. Design Engineer,
Water Regulation Divn.
Sundernagar (Mandi) ... Respondent.

REPRESENTATIVE :

For the workman : Shri Dhani Ram.

For the management : Shri R.C. Atri.

AWARD

(Passed on 1st May, 2002)

The Central Govt. Ministry of Labour vide Notification No. L-23012/5/97-IR(C-II) dated 30th July 1998 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of B.B.M.B. rep. through the Director, Water Regulations Circle, BBMB, Nangal Township and Sr. Design Engineer, Water Regulations Divn. BBMB Sundernagar Distt. Mandi in denying the benefit of stepping up of basic pay of Shri Prem Sagar, Chargeeman, Spl. Gr. I from Rs. 1720 to Rs. 1800 to equalise his pay with his junior Shri Banwari Lal Chargeeman Spl. Gr. I w.e.f. 1-9-1998 and not removing the anomaly is fair

and just? If not, to what relief the workman is entitled to and from which date?”

2. In the claim statement the Union has pleaded that Prem Sagar was promoted on 1-10-1972 in the post of chargeeman misc. and the post was converted into chargeeman special on 1-2-1974 in the scale of Rs. 160-400 w.e.f. 1-1-1978 the pay scale was revised to Rs. 510-940 of Chargeeman Spl. G.I Shri Banwari Lal was promoted as chargeeman special grade I on 21-10-1976 in workcharge capacity in the pay scale of Rs. 160-400. Thus, the petitioner is senior to that Shri Banwari Lal as the applicant Prem Sagar was promoted w.e.f. 1-12-1974. It is contended that Prem Sagar has adopted the revised pay scale w.e.f. 1-1-1986. The pay of Shri Banwari Lal was fixed at Rs. 1800 w.e.f. 1-1-1986 while that of Prem Sagar who was senior to the above named Banwari Lal was fixed at Rs. 1530 w.e.f. 1-9-1988. It is requested that the pay of the workman Shri Prem Sagar be fixed at par with his junior Banwari Lal w.e.f. 1-9-1988 and requested for payment of all arrears etc.

3. In the written statement the management has taken the plea that Prem Sagar was promoted on 1-10-1972 as chargeeman misc. and his post was converted as chargeeman special grade-I. But he has already been availed two promotions whereas his junior was directly appointed as chargeeman special grade-I on 1-10-1976 as he has got only one promotion in his service period as such he has been granted 2nd time bound promotional scale w.e.f. 23-9-1988 and respectively as per letter dated 26-6-1992. Thus the workman Prem Sagar is not entitled to any pay protection and his reference be rejected.

4. In evidence, the General Secretary of the Union filed his own affidavit. He has also submitted documents Ex. W2 to W11. The management in rebuttal filed the affidavit of Gopal Balwani as Ex. M1 he also relied on documents Ex. M2 to Ex. M7.

5. I have heard the learned representatives of both the parties and have also gone through the evidence and record of the case. The main argument of the rep. of the management is that the workman is not entitled to the protection of pay as the said Junior Shri Banwari Lal was directly promoted as chargeeman special grade-I whereas the applicant Prem Sagar was promoted from chargeeman misc. to chargeeman special grade-I, and said Prem Sagar had already availed two promotions so he is not entitled to protection of pay to that of Shri Banwari Lal. Shri Banwari Lal though junior to the workman but he got one promotion so he was entitled to 2nd time bound promotion which he was given and his pay was fixed higher to that of Prem Sagar. In my considered opinion, there is no merit in the arguments advanced by the rep. of the management. It is admitted case of the parties that said Shri Banwari Lal is junior to that of Prem Sagar. It is general principle that the senior could not be paid less than that of his junior and the senior in such cases are entitled to protection of pay by stepping up his pay at the level of the junior. The rep. of the management referred the letter dated 1-6-1994 Ex. W5 in which it has been mentioned that no anomaly of pay would be claimed by any senior employee vis-a-vis another employee merely on the strength of letter getting his placement into the time bound promotional[devised]promotional[scale]and[anomaly of a senior employee directly recruited will be removed only with the directly recruited junior employee and not with the promoted employee on the same post/cadre/scale. In contrary to this the rep. of the workman referred me to the letter Ex. W10 dated 19-7-1994 issued by the Punjab State Electricity Board adopted by the BBMB in which it has been mentioned that the earlier letter dated 1-6-1984 Ex. W5 has been amended and as per new instructions it has been decided that the pay of the senior employee would be fixed notionally from the date of arisen of anomaly. The pay of the senior employee will be stepped to the level of junior w.e.f. 1-5-1990 for the cases pertaining to the period prior to 1-5-1990 and there after from the date of occurrence of anomaly. The management has removed the anomaly of direct recruit and promotees by this letter. Thus in my considered opinion, the said Prem Sagar is entitled to the protection of pay in terms of this letter also.

6. The representative of the management also argued that the workman Prem Sagar has not appeared in evidence and he has not proved his case and Shri Dhani Ram filed his affidavit in evidence. Thus the workman is not entitled to any relief. This argument of the rep. of the management hold-

no merit as this is the case espoused by the Union and this is not the case of dismissal or termination. So I hold that the case of the Union and reference is valid.

7. In view of the discussions made in the earlier paras, it is held that workman Prem Sagar is entitled to the pay protection at par with his junior Banwari Lal w.e.f. 1-5-1990 and later on when it so occurred. The arrears if any be paid to the workman within one month from the date of publication of the Award. The reference is answered accordingly. Central Govt. be informed.

Chandigarh.

Dated : 1-5-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 7 मई, 2002

का.आ. 1837—आंतर्गत विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार नोटिस रेसवे के प्रबंधतव के सबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंतर्गत विवाद में केन्द्रीय सरकार आंतर्गत अधिकारण कम-नेवर-कोर्ट, लखनऊ के पंचाट (संदर्भ संख्या आई.डी. 70/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06-05-2002 को प्राप्त हुआ था।

[म. नं. ४१०११/८/२०००-आई.डी. (बी-१)]
अजय कुमार, ईनक अधिकारी

New Delhi, the 7th May, 2002

S.O. 1837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 70/2001) of the Central Government Industrial Tribunal-cum-Labour Court Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 6-7-2002.

[No. L-41011/8/2000-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT :

Rudresh Kumar, Presiding Officer

I.D. No. 70/2001

Ref. No. 41011/8/2000/IR(B-I) date.I
26-4-2001

BETWEEN

The Divisional Organization Secretary, Uttar Railway, Karmchari Union 283/63, Harchandpur, Garhi Kanora, Premwati Nagar, Lucknow-226001.

AND

The Sr. Divisional Personal Officer, Northern Railway, DRM Office Hazratganj, Lucknow-226001.

AWARD

By order No L-41011/8/2000/IR(B-I) dated 26-4-2001, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) and section 2(A) of I.D. Act, 1947 (14 of 1947) referred this industrial dispute between the Divisional Organization Secretary, Uttar Railway Karmchari Union, Harchandpur, Premwati Nagar, Lucknow (espousing cause of Kamlesh Kumar & others) and the Sr. Divisional Personnel Officer, Northern Railway, DRM Office, Lucknow for adjudication.

The reference under adjudication is as under :—

“Whether the Enquiry Conducted by Sri T. B. Singh in respect of S/Shri Kamlesh Kumar, Deep Kumar, Naushad Ali, Laxmi Kant and Pyare Lal were in accordance with law and the letter dated 12-5-97 is lawful ? If not, what relief the workmen are entitled ?”

2. The language of the reference order seeks adjudication on correctness of enquiry conducted by T. B. Singh in respect of Kamlesh Kumar, Deep Kumar, Naushad Ali, Laxmi Kant and Pyare Lal and also implications and validity of order vide letter dated 12-5-97. The A/R workman Parvez Alam informs that whereabouts of Pyare Lal is not known and so, he was not examined as a witness to substantiate his case.

3. The facts recited in statement of claim are, that Kamlesh Kumar was appointed as Running Room Bearer on 12-4-79. Likewise, Deep Kumar and Naushad Ali were appointed on 1-12-1979 as Store Khalasis and Fitter Khalasi respectively, Laxmi Kant was appointed on 1-4-80 as Store Khalasi and Pyare Lal was appointed on 17-3-80 as Cinder Khalasi. They worked continuously till 3-10-1981 and were retrenched by the management w.e.f. 4-10-1981 without any written order.

Their common case, is, that they were appointed in the Loco Shed, Northern Railway, Lucknow in regular scale of pay Rs. 196-232 and worked till 3-10-1981. Their services were dispensed with w.e.f. 4-10-1981 without compliance with the provision of section 25F. Also, their removal from service was contrary to constitutional mandate as provided under article 311 (1) & (2) of the Constitution of India. Rule of natural justice was also not observed. After retrenchment of the workmen new employees were appointed in the services, without any preference to them.

4. Aggrieved by their retrenchment, the workmen had filed O.A. 64/92 before the Central Administrative Tribunal seeking relief of re-engagement and regularization with all consequential service benefits. By its judgment dated 13-11-1996, the tribunal set aside the order of their retrenchment|discharge the enquiry process. Relevant portion of the judgment is given below :—

“To sum up, in view of the particular facts and circumstances of the case, we dispose of this application with the directions to the respondents to consider the claim of the applicants for re-engagement and also for regularization. For this purpose the applications may approach the concerned authorities with the relevant papers within a period of one month from the date of communication of this judgment. The respondents shall, thereafter, after associating the applicants in the light of our observations examine the claims of the applicants and take a decision within a period of three months from the date of communications of this order.”

5. It is not denied that all the five workmen filed their respective documents before T. B. Singh, nominated to make fresh enquiry in compliance of the order passed in O.A. 64/92. The enquiry officer concluded against the workmen and there upon, by letter dated 12-5-97, the management communicated its decision to the workmen and this order is also impugned. A contempt application filed by the workmen was also dismissed on 14-2-2000 by the Central Administrative Tribunal which held :—

“We have gone through the contents of Annexure-R-II and we find sufficient opportunity was afforded to the ap-

plicant to prove their claims. After going the contents of Annexure-R-II shows that the respondents have fully complied with the Tribunal's order and there is no non-compliance of the Tribunal's order. The C.C.P. is therefore has no merits and the same is dismissed. Notice discharged.”

6. On getting no relief from the Central Administrative Tribunal, the representative union through its Organizing Secretary has espoused cause of the workmen by raising this industrial dispute.

7. The employer, Northern Railway, has refuted claims of the workmen on merit. It has also pleaded that right to service of the workmen were finally determined in O.A. No. 64/1992 and subsequent enquiry held in compliance of the direction of the Tribunal and so it is not open to the workmen to reagitate the claim afresh u/s 10 of I.D. Act. It is further asserted that in contempt case, the Central Administrative Tribunal was satisfied with the enquiry and as a result dismissed the contempt case, so it is no longer open to agitate fairness of enquiry held by T. B. Singh. The reference is illegal, as much as, there existed no dispute after its final resolution by the Central Administrative Tribunal and the present industrial dispute should not have been referred.

8. I fully agree that Central Administrative Tribunal finally decided that the workmen were not entitled to engagement or regularization in view of enquiry held by T. B. Singh under its direction. If the workmen were aggrieved, they should have agitated order dated 14-2-2000 before the High Court. It is not open to them to reagitate the matter raising this industrial dispute.

9. Accordingly, it is held that the present reference u/s 10 I.D. Act is not maintainable, since there existed no dispute after final resolution of workmen's right by the Central Administrative Tribunal

10. Even on merit, the workmen have no case. They claim to have been appointed in a regular scale Rs. 196—232 against sanctioned posts without having received any letter of appointment. They were not engaged as casual workers but regular employees, so were required to be selected and appointed as per prescribed procedures. The workmen in their cross examinations have admitted that

Vs.

Deputy Chief Engineer (Construction),
 Northern Railway, Chandigarh-160017.
 . . Respondent.

REPRESENTATIVE :

For the Workman.—None.

For the Management.—Shri N. K. Zakhmi.

AWARD

Dated 29th April, 2002

The Central Govt. Ministry of Labour vide Notification No. L-41012/90/91-D.2(B) dated 31st March, 1992 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Dy. Chief Engineer, Northern Railway, Chandigarh in terminating the services of Sh. Suresh Chander son of Shri Munshi Lal w.e.f. 29-3-87 is justified ? If not, what relief he is entitled to ?”

2. Case repeatedly called. None has put up appearance on behalf of the workman. It appears that workman is not interested to pursue with the present reference. In view of the above, the present reference is returned to the Ministry as dismissed in default. Central Govt. be informed.

Chandigarh.

29-4-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 17 मई, 2002

का. आ. 1840:—जौदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट जौदोगिक विवाद में केन्द्रीय सरकार जौदोगिक अधिकरण कम लेवर कोर्ट, चंडीगढ़ के पंचाट (संदर्भ संख्या आई डी—354/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 16-5-2002 को प्राप्त हुआ था।

[सं. एस.-41012/134/2000-आई आर(भी-1)]
 अजय कुमार, डेस्क अधिकरी

New Delhi, the 17th May, 2002

S.O. 1840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D. 354/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 16-5-2002.

[No. L-41012/134/2000-JR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 354/2000

Sh. Mehar Singh S/o Sh. Badloo, Village Hakkikat Nagar, Hansi Road, Near Kede, Karnal-132002. . . Workman.

Versus

The Assistant Engineer, Northern Railway, Karnal-132002. . .

Respondent.

REPRESENTATIVE :

For the Workman.—None.

For the Management.—None.

AWARD

(Dated : 3-5-2002)

The Central Govt. Ministry of Labour Vide Notification L-41012/134/2000/IR(B-I) dated 27-9-2000 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Northern Railway, in removing Shri Mehar Singh, Khalasi/Gangman K4 vide orders dated 23-7-96 is justified ? If not, what relief the workman is entitled ?”

2. None has put up appearance on behalf of the workman despite notice. It appears that workman is not interested to pursue to

the present reference. In view of the above, the present reference is dismissed in default. Central Govt. be informed.

Chandigarh.

3-5-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 17 मई, 2002

का. आ. 1841.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्देन रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम-लेबर कोर्ट, कानपुर के पंचाट (संदर्भ संख्या प्राई डी—170/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-5-2002 को प्राप्त हुआ था।

[सं. एल.-41012/252/97—प्राई. आर. (बी-1)]
अजय कुमार, ईस्टक अधिकारी

New Delhi, the 17th May, 2002

S.O. 1841.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-170 of 1998) of the Central Government Industrial-cum-Labour Court Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway Allahabad and their workman, which was received by the Central Government on 16-5-2002.

[No. L-41012/252/97-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT SARVODAYA NAGAR

KANPUR

Industrial Dispute No. 170 of 1998
In the matter of dispute between

Sri Azamat Ullah
through Sri Dinanath Tiwari
Mandal Sangathan Mantri
Uttar Railway Karamchari Union
199/74 Quarter No. 61
Nasemabad
Kanpur

AND

Divisional Railway Manager,
Northern Railway
Allahabad Mandal
Allahabad

AWARD

1. Central Government Ministry of Labour, New Delhi vide its notification No. L-41012/252/97-IR(B-1) dated 1-9-98 has referred the following dispute for adjudication to this Tribunal—

“Kya Mandal Rail Prabandhak Uttar Railway Allahabad dwara Karmkar Sri Azamat Ullah ko dinank 24-9-90 se Painter Grade-II avam 1-3-1993 se Painter Grade I me padonmati na dena nyayochit hai? Yadi Nahi to sambandhit karmkar kis anutosh ka Haqdar Hai?”

2. On behalf of the workman Azmat Ullah statement of claim has been filed with the allegations that Azmat Ullah

was appointed on the post of Khalasi in Northern Railway Kanpur on 15-4-1979 under AEN Northern Railway Kanpur Central. He was promoted as Painter grade (III) in the pay scale of Rs. 260-400 on 29-7-1984. A seniority list of painter Grade (III) was issued at Divisional Level and in that list the name of the workman was shown at serial No. 15. A trade test for promotion to Grade (II) scale of pay 1200-1800 was held on 20-3-1990 in which the workman was declared successful and a letter was sent by the Senior Divisional Engineer (I) Kanpur to the Divisional Railway Manager Office at Allahabad for approval. Though DRM Office approved results vide letter dated 24-9-1990, but the workman was not promoted in painter grade (II) in the pay scale of Rs. 1200-1800 and he is still working in Painter grade III. The work and conduct of the workman has always been satisfactory and he was entitled to get promotions after he had passed the trade test for painter grade II in the year 1993 the posts of painters were upgraded and the painter grade (III) were promoted in the scale of painter grade II in the pay scale of Rs. 1200-1800 but the name of the workman was left out in that list of promotion as a result of up gradation and Sri Iqbal Sri Iqbal Ali who was junior to the workman was given benefit of up gradation from grade III to grade II and was given promotion in the pay scale of Rs. 1200-1800 with effect from 1-3-1993. Had the concerned workman been given promotion on the post of painter grade II in the year 1990 as he had passed the trade test for that post he would have got promotion as a result of the policy of the up gradation in the year 1993 on the post of painter grade I. But he was deprived from that benefit and was not even given promotion to the post of painter grade II with effect from 1993 when his junior Sri Iqbal Ali was given promotion as painter grade II in the pay scale of Rs. 1200-1800. Hence the action of the management is malafide illegal and unjustified. The workman made several representations to the management of Northern Railway for giving benefits of promotion on the post of painter grade (II) and (I) but the management did not pay any heed to it, hence the workman has raised the present dispute with the prayer that he may be given promotion on the post of painter grade II with effect from 24-9-90 and he should be given promotion on the post of painter grade I with effect from 1-3-1993 when his junior Iqbal Ali was given promotion as painter grade II as a result of up gradation of the posts of painters.

3. The management of Northern Railway has contested the case of the workman by filing written statement in which the management has admitted that the workman was promoted as painter grade (III) in the pay scale Rs. 260-400 with effect from 29-7-1984. It is also admitted to the management that Iqbal Ali was promoted on the post of painter grade (III) with effect from 24-10-1984, it has been alleged that Iqbal Ali was appointed as Khalasi in the year 1977 whereas the concerned workman was appointed in the year 1979, hence Iqbal Ali was senior to be concerned and this is why he was given promotion the post of painter grade II on 1-3-1993. It has been alleged that the concerned workman being junior to Iqbal Ali was given promotion on the post of painter grade (II) in the year 1998 after passing the trade test. It has been alleged that the claim of the concerned workman is baseless and is liable to be rejected.

4. On behalf of the workman rejoinder has been filed in which the facts alleged in the statement of claim has been reiterated. It has been denied in the rejoinder that the concerned workman was junior to Sri Iqbal Ali.

5. The workman examined himself as W.W. 1 and filed 12 documents marked Ext. W-1 to W-12. The management examined Sri R. K. Srivastava, as M.W. 1 and filed 7 documents marked Ext. M-1 to M-7.

6. I have heard the authorised representative for both the parties and have gone through the record of the case.

7. The case of the workman that he passed trade test for the post of painter grade II in the year 1990 is not only supported by the evidence of the concerned workman Azamat Ali W.W. 1 but also by the documentary evidence on record. The workman has filed the letter dated 7-4-1990 Ext. W1 sent by Divisional Engineer Northern Railway Kanpur to the Senior Divisional Engineer Northern Railway Allahabad showing the result of the trade test for painter grade II. This shows that the concerned workman has passed the trade test of painter grade II held at Divisional Level at Kanpur. The order dated 24-9-1990 Ext. W 2 is on record,

which shows that the result of trade test for painter grade II of the concerned workman was approved by Senior Divisional Engineer (I) Northern Railway Allahabad. Thus it is established beyond doubt that Azamat Ullah had passed trade test of painter grade II for the year 1990 and his result was approved by the Senior Divisional Engineer (I) Northern Railway Allahabad on 7-4-1990. There is absolutely no evidence on record to show that whether any post of painter grade II was vacant in the year 1990 or not. Azamat Ullah has admitted in his cross examination that on the basis of trade test held in the year 1990 in which he had appeared any person junior to him was not promoted on the post of painter grade II. Merely by passing the trade test he did not become entitled to get promotion on the post of painter grade II until and unless there was vacancy for the same. This is established beyond doubt that in the year 1993 orders for up gradations of the posts were passed by the Railway Board by which the persons working on the post of painter grade II were promoted to the post of painter grade II with effect from 1-3-1993. A copy of the promotion order on the basis of policy of up gradation is on the record which is Ext. W-10. In this list of promotions Iqbal Ali has been shown at serial No. 16 and he has been given promotion on the post of painter grade-II from the post of painter grade III but the name of the concerned workman does not find place in the list. The Railway Management has not been able to explain as to why the concerned workman Azamat Ullah who had passed trade test for painter grade II in the year 1990 was not given the benefit of up gradation with effect from 1-3-1993 especially when he was shown senior to Iqbal Ali in the seniority list issued by the Sr. Divisional Engineer Northern Railway Kanpur. It is notable that in this seniority list Ext. W 3 the concerned workman has been shown at serial No. 15 whereas Iqbal Ali has been shown at serial No. 17. Thus it is established beyond doubt by this seniority list that the concerned workman was senior to Iqbal Ali in the seniority list of painter grade III. This shows the correct position of seniority of concerned workman and Iqbal Ali because Azamat Ullah was promoted as painter grade III with effect from 29-7-1984 whereas Iqbal Ali was promoted on the post of painter grade on 24-10-84. The contention of the management that Iqbal Ali was senior to the concerned workman Azamat Ullah cannot be believed because it is based on wrong facts. There is no doubt that Iqbal Ali was appointed as Khalasi in the year 1977 and Azamat Ullah appointed in the year 1979 but when the concerned workman passed trade test for the post of painter grade III before July 1984 and got promotion in July 1984 prior to the promotion of Iqbal Ali on that post he was entitled to get seniority over Iqbal Ali who got promotion later on the post of painter grade III.

8. The case of the workman that he was entitled to set promotion as painter grade II in the year 1990 when he passed trade test for painter grade II cannot be believed because there is no evidence that there was any such vacancy for him or any junior to him was promoted to the post of painter grade II but when Iqbal Ali who was junior to him was given promotion to the post of painter grade II on 1-3-1993 the concerned workman should have also been given the same benefit with effect from 1-3-1993 because he was senior to Iqbal Ali and had already passed trade test for painter grade II in the year 1990 and his result of passing the test was approved by Senior Divisional Engineer Ist Northern Railway Allahabad and there was no impediment for giving him promotion on the post of painter grade II with effect from 1-3-1993 as a result of up gradation of post the benefit of which was already given to his junior Iqbal Ali from the same date. It is notable that the concerned workman made representation to the DRM Northern Railway Allahabad through his representation Exts. W-9, W-11 and W-12 in which he made a prayer that he should be given promotion on the post of painter grade II with effect from 1-3-1993 when his junior Iqbal Ali was given promotion on the post of painter grade II. Thus it is clear that the concerned workman wanted his promotion according to law with effect from 1-3-1993 when his junior was given promotion on the post of painter grade II and made representations accordingly. His case as set up in the statement of claim that he should be given promotion on the post of painter grade II with effect from 24-9-1990 appears to be misconceived and cannot be believed.

9. It is established beyond doubt by the evidence on record and pleadings of the parties that the concerned workman has been promoted to the post of painter grade II with effect from

1998. There is nothing on record to show that there was any legal bar in promoting the concerned workman with effect from 1-3-1993 on the post of painter grade II. There is nothing on record to show that any order of punishment was operative against the concerned workman on 1-3-1993 or any enquiry or vigilance case was pending against which may debar him from the benefit of up gradation with effect from 1-3-1993. Such impediment as mentioned in Ext. W 10 did not exist against the concerned workman. I, therefore, find that he was entitled to get promotion with effect from 1-3-1993 on the post of painter grade II when his junior Iqbal Ali was promoted as painter grade II.

10. In view of findings recorded above I hold that the concerned workman was entitled to get promotion to the post of painter grade II with effect from 1-3-1993. The management of Northern Railway is directed to promote the concerned workman on the post of painter grade II with effect from 1-3-1993 and make payment of arrears of salary accordingly to the concerned workman within a period of three months from the date of publication of this award in the official gazette.

11. Reference made to this Tribunal is partly decided in favour of the concerned workman and against the management of Northern Railway.

Sd/-

R. P. PANDEY, Presiding Officer

नई दिल्ली, 17 मई, 2002

का. आ. 1842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रभुसरण में, केन्द्रीय सरकार जम्मू एवं काश्मीर बैंक लिमिटेड के प्रबंधतांत्र के संबंध मियोजनों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण - कम - लेबर कोर्ट, बैंडीगढ़ के पंचाट (संदर्भ संख्या आई डी-142/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-5-2002 को प्राप्त हुआ था।

[सं. एल-12012/236/92-प्राई आर (बी-प)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2002

S.O. 1842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I.D.-142/92) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jammu & Kashmir Bank Ltd. and their workman, which was received by the Central Government on 16-5-2002.

[No. 'L-12012/236/92-IR(BII)']

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 142/92

Sh. Dalbir Singh S/o Sh. Munshi Ram,
Village Post Risalu, Tehsil & Distt. Panipat
(Haryana). Applicant.

Vs.

Deputy General Manager,
The Jammu & Kashmir Bank Ltd.,
691, Padam Singh Road,
Karol Bagh, New Delhi-110005.
.. Respondent.

REPRESENTATIVES :

For the Workman.—None.

For the Management.—Sh. Mukesh Ahlerwalia.

AWARD

Dated : 7th May, 2002

The Central Govt. Ministry of Labour vide Notification No. L-12012/236/92-I.R.(B-I) dated 18th December, 1992 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Jammu and Kashmir Bank Limited in terminating the services of Shri Dalbir Singh, with effect from 25th August, 1991 is legal and justified ? If not, to what relief the workman is entitled to and from what date ?”

2. None has put up appearance on behalf of the workman despite notice. It appears that the workman is not interested to pursue with the present reference. In view of the above the present reference is dismissed in default. Central Govt. be informed.

Chandigarh.

Dated : 7th May, 2002.

नई दिल्ली, 17 मई, 2002

का. ना. 1843.—ओर्डोरिंग क्रियाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार स्टेट बैंक और क्रेडिट के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुद्घान में निहित ओर्डोरिंग क्रियाद में केन्द्रीय सरकार और्डोरिंग अधिकरण नं. II, मुम्बई के पंचाट (संदर्भ संखा सीजी आर्डोर-2/123 ऑफ 1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-5-2002 को प्राप्त हुआ था।

[सं. एल.-12012/63/99—ग्राइंडर (बी-1)]
अजय कुमार, दैनिक अधिकारी

New Delhi, the 17th May, 2002

S.O. 1843.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-2/123 of 1999) of the Central Government Industrial Tribunal No. II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 17-5-2002.

[No. L-12012/63/99-I.R.(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

S. N. Saundarkar, Presiding Officer.
Reference No. CGIT-2/123 of 1999

Employers in relation to the Management of State Bank of India, Aurangabad.

The Asstt. General Manager-III,
State Bank of India,
Zonal Office,
Plot No. 79,
(Part) N-5,
C1DCO, (M.S.),
Aurangabad-431003 (M.S.)
The Branch Manager,
State Bank of India,
Jamner Branch,
P.O. Jamner,
Distt. Jalgaon-424206.

AND

Their Workmen.

Sri Ravindra Ramrao Choudhary,
At & PO : Jamner (Pura),
Tb : Jamner,
Distt : Jalgaon-424206.

APPEARANCES :

For the Employer : Mr. R. N. Shah, Advocate.
For the Workmen : Mr. M. B. Anchan, Advocate.
Mumbai, dated 5th March, 2002

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/63/99-I.R.(B-I), dtd. 14-05-1999, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, have referred the following dispute to this tribunal for adjudication.

“Whether the action of the management of State Bank of India through its Asstt. General Manager, Region-III Aurangabad and Branch Manager, Jamner Distt., Jalgaon in not regularising the services of Sri Ravindra Ramrao Choudhary at par with permanent Employee of the Bank is legal and proper ? If not, to what relief the said workman is entitled ?”

2. It is the contention of Choudhary that he was engaged as sweeper/water-man on daily wages @ Rs. 3 per day and worked up to July 1982 i.e. 85 days, later on he was appointed as part time waterman/sweeper from April 1983 to October 1983 i.e. for 83 days on a basic pay of Rs. 245 per month and again was appointed from May 1984 to August 1984 for 53 days, and later on from April 1987 to September 1987 for 29 days. By way of Statement of Claim (Exhibit-7) he averred that as part-time sweeper/waterman he was protected workman under the provisions of the Bipartite Settlement and that as per the settlement between the State Bank of India and All India State Bank of India Staff Federation dtd. 17-11-87 he is entitled to be absorbed, however the management failed. He has pleaded that bank by publishing advertisement in Maharashtra Times dtd. 2-8-88 had called applications for post of sub-staff and since he had put in all 136 days temporary service he had applied on 1-9-88. However his application was not considered, and by the reply dtd. 7-11-90 and

that in 1991 in pursuance to the advertisement he had applied and was called for interview on 15-11-91. His name said to have been taken in the list, however, he was not given appointment so far. It is contended since Choudhary worked part time he is entitled to be absorbed since 1998. Therefore he prayed to regularise his services with back wages, as averred in Statement of Claim and the Rejoinder (Exhibit-11).

3. Management, State Bank of India, resisted the claim of workman by filing Written Statement (Exhibit-9) contending that he has no locus to file the Statement of Claim since the dispute was not raised in individual capacity by the Union under Section 2K of the Act. It is contended that the dispute was raised in July 1987 on the regularisation of the services of Choudhary from 1989 which suffers from laches and delay. It is contended that Choudhary claims regularisation of his temporary employment as permanent employee since he had worked in 1983-84, which is unwarranted by law. It is contended Choudhary was not appointed from 21st April 1983 to October 1983 on a basic pay of Rs. 245 per month. He was a daily wage earner in the year 1982 and was engaged in the same manner for the same work for a period of 53 days in the year 1984. It is contended to give change to temporary employee, who worked during the period 1-7-75 to 31-10-87 for absorption as permanent employee as per the settlement dtd. 13-11-87, the candidates satisfying the eligibility criteria were empanelled for absorption against vacancies arising during 1987 to 1991. Since the workman was not empanelled question of his regularisation cannot and does not arise. It is alternatively contended that assuming Choudhary was entitled to empanelment, since all the panels have lapsed after 31-3-97 and those who were empanelled have not been absorbed question of regularising Choudhary from this point of view, also does not arise. It is contended Choudhary's claim being devoid of substance, deserves to be dismissed in limine.

4. By way of Rejoinder (Exhibit-11) Choudhary contended that he had raised dispute on his absorption before the A.L.C.(C), Mumbai, who tried for Conciliation. However that ended in failure. It is contended he was called for interview on 15-11-91, but, nothing was heard from the bank. He reiterated the recitals in the Statement of Claim and denied the allegations in the Written Statement.

5. On the basis of the pleadings my Learned Predecessor framed issues at Exhibit-12. In that context Choudhary filed his affidavit by way of Examination-in-Chief (Exhibit-14) and closed oral evidence vide parsis (Exhibit-16). Branch Manager, Jamner Branch, Distt. Jalgaon, Mr. P. P. Phadnis filed affidavit by way of Examination-in-Chief (Exhibit-17) and closed oral evidence (vide Exhibit-18).

6. Workman filed Written Submissions (Exhibit-20) and the management at Exhibit-19. On going through the record as a whole and the written submissions, I record my findings on the following issues for the reasons stated below:—

Issues	Findings
1. Whether the reference suffers from laches ?	No
2. Whether R. R. Choudhary is a continuous workman within the meaning of Section 25B of the I.D. Act ?	No
3. Whether the dispute referred is not an industrial dispute and hence the Tribunal has no jurisdiction to decide it ?	Tribunal has jurisdiction
4. Whether the action of the management is as per the settlement agreed between the management and the Federation ?	No
5. Whether the action of the management in not regularising the services of Ravindra Choudhary at par with the permanent employees of the bank is legal and proper ?	Management to regularise Choudhary as and when vacancy arises
6... If not, to what relief the said workman is entitled to ?	As per order below.

REASONS

7. According to workman Choudhary he was initially engaged part time sweeper by the bank in 1983, and added that his services were not regularised though he was eligible. He had moved the officer concerned and the ALC(C). The Learned Counsel Shri Shah inviting attention of this tribunal to the record submits that Mr. Choudhary was in the employment lastly in 1988, and that he raised dispute for the first time in July 1999 and that they delay has not been properly explained and since the reference suffers from delay and laches is not maintainable. The Learned Counsel Sh. Shah, rely on the decision in Nedungadi Bank Ltd. Vs. K. P. Madhavankutty & Ors. 2000 I CLR 671, wherein Their Lordships held the reference of seven years is stale and belated. By catena of Judgments it is pointed out that delay and laches depends on the facts and circumstances of each case. In the case referred to above reference was held stale for delay of seven years. In the case in hand it is seen Choudhary is consistently prosecuting his cause, he had applied for empanelment on the basis of the Bipartite Settlement/Industrial Settlement dtd. 17-11-87 and thereafter as per the circular of the year 1988 and that in response to the letter of Choudhary he was called for the interview for empanelment in the year 1991. It is seen he had moved the R.L.C.(C) through union in the year 1997. It is seen that for the first time workman espoused his cause in the year 1999. The Learned Counsel Mr. Anchal submits that workmen are of weaker section, object of the act is to improve the service conditions of the Industrial Labour so as to provide the ordinary amenities of life and by the process to bring about the industrial peace which would on its term accelerate productivity activity of the country resulting in its prosperity. He has relied on Ajai Singh Vs. The Sirhind Co-operative Marketing-cum-processing Service Society Ltd. & Anr. JT 1999 (3) SC 38 : Going through the facts and circumstances of the case in hand and the observation as above hardly can be said that the reference suffers from laches. Consequently issue No. 1 is answered in the negative.

8. The Learned Counsel Mr. Shah at the threshold submits that the terms of references does not pertain to discharge, dismissal or termination and that it pertains to non-regularisation of service of Choudhary and since the cause was not espoused union it is not an industrial dispute under Section 2K of the Act and therefore the workman has no locus in his individual capacity to file the claim. As per amending Section 2A of the Industrial Disputes Act, individual workman can espouse his cause pertaining to dismissal, discharge or termination. True it is Choudhary nowhere used the words as above. However, his case is of non-regularising his service, resultantly on discharge/termination, he was not considered to continue in employment. Therefore, reference of Choudhary in individual capacity under Section 2A of the Act is maintainable and consequently this tribunal has jurisdiction to entertain and adjudicate the same. Consequently Issue No. 3 is answered accordingly.

9. According to Choudhary he was in the service of the Bank, Jamner Branch from April 1982 to July 1982 as waterman/sweeper on daily wage of Rs. 5 and there he worked about 85 days. He was engaged as a part time workman/sweeper from 21-4-83 to October 1983, for 83 days on a basic pay of Rs. 245 per month on 1/3rd of basic pay of regular employee and added that he was again engaged in the same post from May 1984 to August 1984 i.e. 53 days and later on in the same post from April 1987 to September 1987 for 29 days. According to management Choudhary was engaged as a daily wage earner in the year 1983 and thereafter for a period of 53 days in the year 1984. Thus according to management Choudhary worked 83 days in 1983 and 53 days in 1984 with break. It is not the case of Choudhary that he had worked 240 days that too, continuously without any break under Section 25B of the Industrial Disputes Act. In the result, Issue No. 2 is answered in the negative.

10. The main contention of Choudhary is that he worked in the bank as part time/daily wager in the bank during 1983-1984. His total work days were admittedly 83 days in the year 1983 and 53 days in the year 1984, i.e. more than 30 days. Therefore according to him as per the Bi-partite Settlement entered into between the State Bank of India and All India State Bank of India Staff Federation under Section 2(c) of the Industrial Disputes Act, 1947 dtd. 17-11-87 he is

protected worker and being a protected worker, bank should have absorbed him being it temporary employee, in service, 1988 when he had applied as per the advertisement in Maharashtra Times dtd. 2-8-88 since he fulfilled the eligibility criteria on age and educational qualification. He was admittedly within the age limit and so far the educational qualification, he was matriculate at the time of initial appointment i.e. April 1983. According to him though he was eligible was erroneously not considered. On perusal of the settlement dtd. 17-11-87, it classifies the temporary employees who worked during 1-7-75 to 31-10-87 for absorption as permanent employees in three categories against vacancies arising during 1987—1991. Since Choudhary completed 30 yrs, he falls in one of the category. So far eligibility is concerned, the first is the age of candidate should be between 24 years and the second is so far as educational qualification he should be matriculate at the time of initial appointment. According to the management, Choudhary was within the limit, however, he had not fulfilled educational qualification and that time, he had passed SSC, and therefore question this absorption in the light of the settlement referred to above, did not arise and that in 1991 in context to the said settlement, he was called for interview and that who were empanelled not absorbed in the panel till 31-3-97 as held.

1. Settlement referred to above dtd. 17-11-87 has to be given effect by the management. Choudhary was admittedly within age limit and so far educational qualification is concerned, according to Choudhary he was non-matriculate, however Branch Manager, Mr. Phadnis, disclosed that in March 1983 he had passed SSC examination and therefore he was not eligible to be empanelled, as a temporary employee, daily wage earner for absorption in the subordinate cadre, Substaff. Learned Counsel Mr. Shah at this juncture submits that Clause-11 (vi) of the settlement speaks:

"those who had concealed material facts regarding their employment, age or educational qualification etc. from the bank or seek appointment in more than one name or have unsatisfactory past record in the Bank or in law, will not be given a chance for employment."

Mr. Shah further submits that Choudhary concealed in his application his educational qualification stating he was non-matriculate, though he had passed B.Com. examination in March 1988. Admissions of the adversary is the best evidence. Mr. Choudhary admits in cross-examination, para. 13 that he had applied for empanelment on 20-8-88 and that time he was B.Com. Application form for empanelment in reference to advertisement dtd. 20-8-88, pg. 48/49/50 (Exhibit-10) mentions his qualification B.Com. in March 1988 and was non-matriculate in April 1983. Thereby according to Mr. Shah the material facts on qualification has been concealed and therefore workman does not deserve for absorption. Qualification and age of the candidate at the time of initial recruitment is to be seen in the light of the settlement. He was initially recruited in April 1983. The school leaving certificate mentions he was sent for SSC examination in March 1982, but passed SSC examination held in March 1983. Passing certificate of SSC examination issued dated 14-6-83 shows he had passed in March 1983. This shows Choudhary for the first time learnt in June 1983 on his passing of SSC examination. That means in March 1983 i.e. at the time of initial appointment he was in fact non-matric and had appeared for SSC examination. In this view of the matter submission of the Learned Counsel for the management, Mr. Shah that workman concealed his qualification and therefore he did not deserve for empanelment in 1988 is against the record and devoid of substance. In view of the settlement, bank was under obligation to give effect to the temporary employees like workman, the provisions of the same, however, it is apparent, bank acted contrary to the settlement. When bank erred in not absorbing Choudhary though he possessed educational qualification i.e. is non-matric and was within age limit, question of calling him for interview in 1991 and saying the panel list prepared for 1991—1997 had lapsed after 31st March 1997 has no relevance. Under the circumstances workman deserves to be absorbed as per the Bipartite Settlement. Therefore bank will have to be directed to absorb Choudhary in sub-staff cadre as and when permanent vacancy arises. Consequently Issues Nos. 4, 5 & 6 are answered accordingly and hence the order:

ORDER

Management, State Bank of India is directed to absorb workman Choudhary in sub-staff cadre as and when permanent vacancy would arise.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 17 मई, 2002

का. श्रा. 1844.—आद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के प्रत्युत्तरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर के प्रबंधसंघ के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आद्योगिक विवाद में आद्योगिक अधिकरण एवं श्रम मंत्रालय, कोटा के पंचाट (संदर्भ संख्या आईटी आर—27/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-5-2002 को प्राप्त हुआ था।

[स. एल.—12012/135/96—आई. आर. (बी.-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 17th May, 2002

S.O. 1844.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ITR-27/97) of the Industrial Tribunal-cum-Labour Court, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner and Jaipur and their workman, which was received by the Central Government on 17-5-2002.

[No. L-12012/135/96-IR(B-I)]

AJAY KUMAR, Desk Officer

अनुबंध

न्यायाधीश, आद्योगिक न्यायाधिकरण, कोटा/केन्द्रीय/राज. / पीठासीन अधिकारी—श्री मणि शंकर शास, आई. एच. जे. एस. विनांक स्थापित : 21-11-97

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या प. 1 (1) 12012/135/96—आई. आर. (बी) दिनांक 4-9-97

निर्देश अन्तर्गत धारा 10 (1) (अ) आदेश, विवाद अधिनियम, 1947

मध्य

नवल किशोर पुत्र श्री मांगीलाल, निवासी पिपलदा जिला कोटा/राज. /

—प्रा—

एवं

प्रबन्धन स्टेट बैंक ऑफ बीकानेर एण्ड शास्त्रा, कोटा/राज.

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री बी. एस. कर्ण
प्रार्थी नियोजक की ओर से : श्री सी. बी. सोरन
प्रधिनिर्णय दिनांक : 2.2-4-2002

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के उक्त अधिनियम 1948 के अनुसार निम्न निर्देश/विवाद, औद्योगिक विद्वान अधिनियम, 1947 (जिसे तदुपरात्त "अधिनियम" से सम्बोधित किया जायेगा) की धारा 10(1)(ब) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्बोधित किया गया है:—

"क्या प्रबन्धन स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर केन्द्रीय कार्पोरेशन, कोटा द्वारा कुर्मकार श्री नवलकिशोर मुद्रा मान्यतालाल विवादी पीपलदा तहसील पीपलदा जिला कोटा की सेवाएं दि. 16/8/94 से समाप्त करने की कार्यवाही वैध एवं उचित है? यदि नहीं तो संबंधित कर्मकार किस अनुतोष का दृक्षार है?"

2. निर्देश/विवाद न्यायाधिकरण में प्राप्त होने पर पंजीयन उपरात्त पक्षकारों को सुन्नत विधिवत रूप से जारी की गयी। जिस पर कोनों पक्ष से भी ओर से अलग-प्राप्त अस्तित्व प्रस्तुत किये गये।

3. अज पक्षावली वाले पेश होने दस्तावेजात व साक्ष्य प्रार्थी श्रमिक नियत है, परन्तु उसकी ओर से किसी प्रकार कोई साक्ष्य प्रस्तुत नहीं की गयी एवं ना ही स्वयं प्रार्थी न्यायाधिकरण में उपस्थित हुआ है। प्रार्थी प्रतिनिधि अवश्य उपस्थित हुए हैं, परन्तु उनकी ओर से कोई युक्तियुक्त कारण साक्ष्य नहीं आने के संबंध में प्रकट नहीं किया गया है। पक्षावली के अवलोकन से प्रकट होता है कि प्रार्थी पक्ष गत दो प्रेशियों से साक्ष्य हेतु सम्मिलित रूप से तदुपरात्त भी वह साक्ष्य उपलब्ध करवाने में पूर्णतया असफल रहा है, अतः अब और कोई समय दिया जाना उचित नहीं समझते हुए प्रार्थी की साक्ष्य का अवसर समाप्त किया जाता है। अशार्ध नियोजक की ओर से भी कोई साक्ष्य प्रस्तुत नहीं कर अपन साक्ष्य समाप्त की गयी है।

4. बहुस पक्षकारों की सुनी गयी व पक्षावली का दृष्ट द्वारा होता है कि प्रार्थी श्रमिक की ओर से अपने कलेम किसी प्रकार की कोई साक्ष्य उपलब्ध नहीं करवायी जासे कि उसके कथनों को पुष्ट हो सके। प्रार्थी और से भूमिका पर साक्ष्य का पूर्ण समाव रहा प्रार्थी श्रमिक, अप्रार्थी नियोजक से साक्ष्याभाव में का कोई अनुतोष प्राप्त करने का अधिकारी निर्देश/विवाद तदनुसार अधिनियमित कर नाया है।

अधिनिर्णय ग्राज दिनांक 22/4/2002 को खुले न्यायाधिकरण में सुनाया गया जिसे नियमानुसार समुचित सरकार को अकाशमार्ग भिजाया जाये।

मणि शंकर व्यास, न्यायाधीश
नई दिल्ली, 23 मई, 2002

का. शा. 1845.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शाकियों का प्रयोग करते हुए, केन्द्र सरकार, भारत सरकार के राज्यव्यवस्थापन भाग II बाट 3 (ii) में दिवांग 11 छत्तीरी, 2000 को प्रकाशित भारत सरकार, श्रम संग्रहालय की अधिकृतता सम्मत का. शा. 32 (प्रदिनांक 4 जनवरी, 2000 में नियमितव्यवस्थापन द्वारा) है।

उक्त अधिकृतता में इस उद्देश्य केरल सरकार द्वारा सान्देश भाग द्वितीय विकितस्कों के संग्रहनों के प्रयोग से धारा 4 के बाट 4 (क) के अन्तर्गत केन्द्र सरकार द्वारा दियुक्त छीरक के तदृत क्रम संख्या 49 के साथ नियमितव्यवस्थापन प्रविष्ट रखी जाएगी, अर्थात् :

"दा. चितिन एस. वोरा,
एफ-1 प्रेमनन्द प्राप्टेसेट्स,
एन. शार. भीमुक्ताई चैम्बर्स,
पंजाबीहाल के सामने,
नवरंगपुरा,
मुहम्मदाबाद-380000"

[स. य-16012/1/98-एस. ए. 1]
के. शी. जैन, निवेशक

New Delhi, the 23rd May, 2002

S.O. 1845.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. S.O. 32(E), dated the 4th January, 2000 published in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated the 11th January, 2000.

In the said notification under the heading "Appointed by the Central Government under clause (h) of Section 4 in consultation with the organization of medical practitioners recognized by the Central Government for the purposes", for the entries against S. No. 49, the following entries shall be substituted namely :—

"Dr. Nitin S. Vora,
F-1, Premanand Apartments,
Nr. Bhikhubhai Chambers,
Opp. Punjab Hall, Navrangpura,
Ahmedabad-380000."

[No. U-16012/1/98-SS. I]
K. C. JAIN, Director